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VOL. XLV.

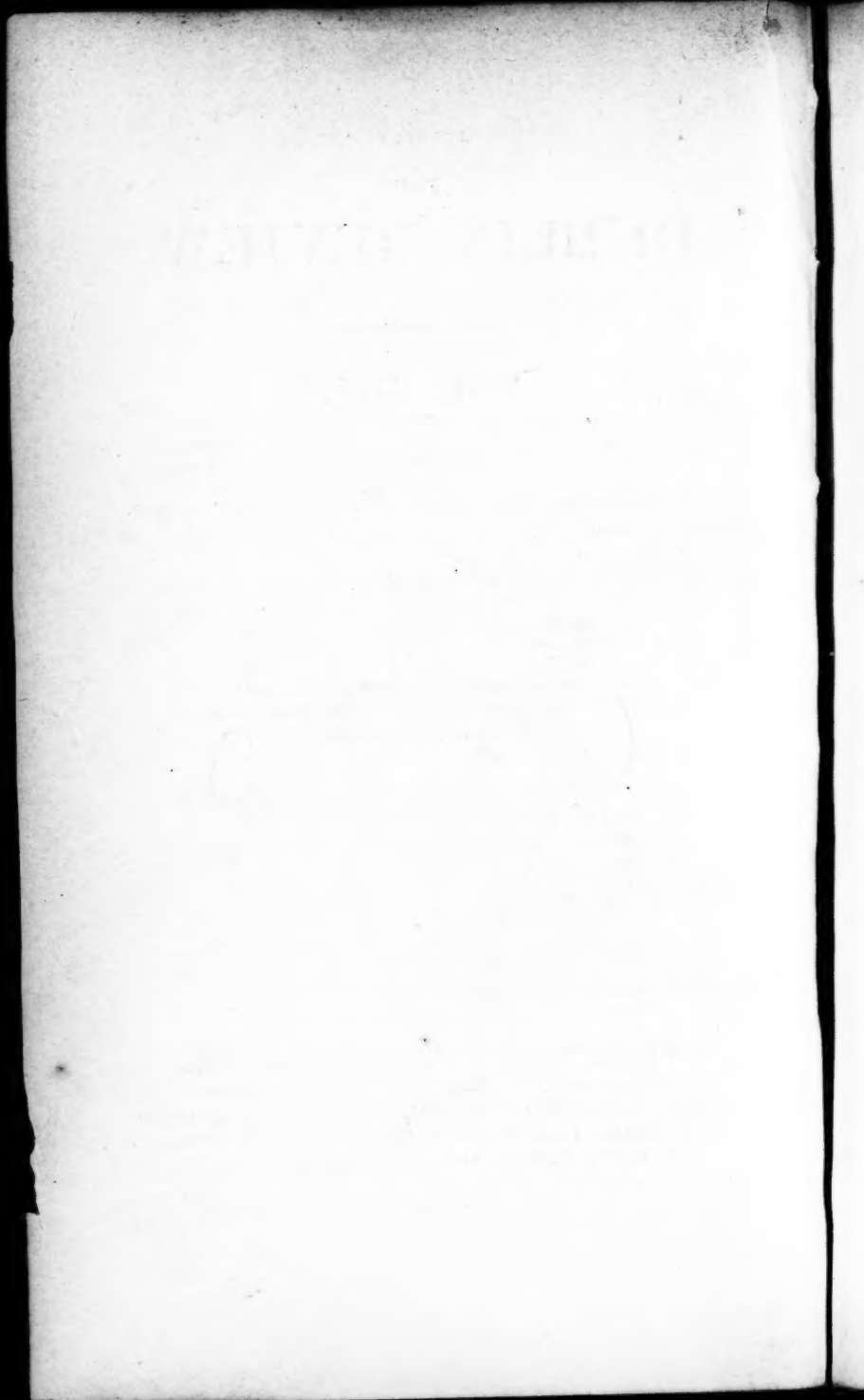
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THE
DUBLIN REVIEW.

SEPTEMBER, 1858.

ART. I.—*Sabbath Laws and Sabbath Duties, considered in relation to their Natural and Scriptural Grounds, and to the Principles of Religious Liberty.* By Robert Cox. Edinburgh, Maclachlan and Stewart; and Simpkin, Marshall and Co., London.

THIS work, by a well-read Protestant, is a storehouse of Protestant information, on the subject of which it professes to treat, and incidentally on various other subjects, ill-arranged, but full, and by means of an index, tolerably accessible. It is useful for the purposes of reference, and in its account of the variations of Protestant belief, practice, and legislation, respecting the Sunday, it forms a curious history of religious and political inconsistency.

We do not remember that we have ever bestowed, what some might call, a proper degree of notice upon a topic which, at the present moment, engages the earnest attention of so many of our Protestant fellow-countrymen, and which involves them in perilous conflicts with each other, and with their own principles. The Sunday question is the battle-ground for both clergy and laity in this country, upon which they are carrying on a constant irregular warfare, in the vain hope to determine, in any mode consistent with their principles, either the authority upon which it rests, or the mode in which it should be observed; during which warfare, each combatant, with a bold heedlessness of reason, assumes that infallibility, and endeavours to wield that authority, to the denial of which, not in any individual merely, but in that body which forms the great majority of Christians, he owes his very existence. It would be a singular illustration of human inconsistency to collate different passages from Protestant speakers and

writers, in the one set of which, addressed to Catholics, they are vaunting the paramount right of private judgment, and denouncing the authority of the Catholic Church, whilst in the other set, addressed to those Protestants who differ from themselves respecting the Sunday, they are practically asserting the infallibility of their own interpretation of Scripture, and of their own views about the Sunday, and denouncing in the strongest terms all who differ from them in opinion, all who deduce from the same texts a different meaning. To the Catholics each one of them says, "I repudiate your authority, and judge for myself;" and then, warming upon the Sunday question, he turns round to his brother Protestant, and says to him, "I am right, and you must not presume to differ from me." Who has conferred upon any member of that juvenile body of Christians (who, if all of them agreed in any one opinion, would be of no great weight either in numbers or learning, though earnest enough in blind zeal and good intention,) the right to declare that *he* alone is the true interpreter of the Will of the Almighty, even as to the observance of the Sunday, and that every one who differs from *him* is in serious error? Yet, in a part of the country where we were lately visiting, have we heard of such an instance as the vicar of an English parish, in the pulpit of his parish church, denouncing by distinct reference one of his parishioners, because the latter had expressed an opinion respecting the observance of the Sunday, according, we should say, in the main with that pronounced by most of the great divines of the Church of England, but from which the vicar himself happened to differ.

It was, indeed, our visit into the neighbourhood in question, which just now brought this Sunday question, and the peculiar and discordant views which are hotly maintained respecting it by our Protestant fellow-countrymen immediately under our notice. We Catholics can look on and observe such a combat as coolly and critically as Mr. Russell, the *Times'* correspondent, might, from the summit of the Imaubarrah, view the struggle in the plain and buildings beneath him. We can consistently refer to, and securely rest upon, an authority, that of the Church, from any reliance upon which *they* have excluded themselves. When, therefore, they admit, as they must do, that the obligation of the religious observance of the Sunday can-

not be established by Scripture alone, they in truth and plain reasoning strip themselves of the Sunday altogether; they may conventionally, or conveniently, or legally, observe it; but like Archimedes, without the fulcrum on which to rest his lever to move the world, they cannot establish that Christians are bound to keep the Sunday holy without resting its holiness and its obligation upon the authority and tradition of the Church.

The circumstances which, during a recent visit to a friend, brought this subject under our special notice, were as follows: they form only one not unusual illustration of that contrariety of opinion amongst Protestants on this important subject, which so often develops itself in discussion among themselves.

In one of the great seats of manufacturing industry, in the north of England, the town council of a borough, which rejoices more in the rapidity of its improvements than in the antiquity of its charter, had established a free library, maintained out of the borough rate, stocked with a goodly and increasing collection of volumes, and not slightly used by the strong-handed, and nimble-fingered, and perhaps also nimble-witted, sons of daily manual labour, both for reference at the reading-room, and for perusal at home. It had been entirely closed on the Sunday. A petition was presented to the town council by a number of working men, praying that the library might be open during certain hours on the Sunday evening. Upon this a motion was made, and a debate ensued in the town council, and the following resolution was carried:—"That in the opinion of this council it is not desirable to alter the rule which provides that the free library shall not be open on Sundays."

The first singular circumstance in the affair is, that both the mover and the seconder of this resolution avowed themselves to be in principle friendly to that opening, the *expediency* of which alone was negatived by their resolution. And it became obvious during the discussion, that the resolution was proposed in this form, only to put an extinguisher for the present upon the real or religious question. It seems, indeed to have been desired that any argument upon that might be avoided. When people, however, feel more than they know about a question, they are pretty certain to rush into a discussion of it. So discussed it was, first orally in the town council, and afterwards hebdomadally and lengthily

in the local newspapers, till the latter refused to insert any more correspondence on the subject, and then, perforce, it was adjourned unsettled, to be resumed probably at the November elections. Along with principles and arguments, without basis to support them, or consistency to combine them, and each of which served only to destroy the other without any ability of maintaining itself, much was said on both sides, casually and incidentally, respecting the observance of the Sunday, in which we can cordially concur. Though it was lamentable to see a number of earnest Christians, struggling and tost on the waves of contention, without rudder or polar star to guide or to steady their course, we could not but admire the zeal and determination with which each laboured at his own independent oar, whilst perchance his companion on the same bench was working with equally blind hardihood in an opposite direction.

We might beforehand have supposed that upon so important a question as the religious observance of the Lord's day, whether it ought to be religiously observed, and if so, why, and how, there would have been something like unanimity amongst those who meet upon the same platform, certainly at least amongst those who worship in the same church, and consider themselves to belong to the same religious communion. Either it is material to agree about the religious observance of the Sunday, or it is immaterial; if material, how came the members of the same religious body to differ about it? If immaterial let that be plainly declared, and let all the grave and earnest discussion which, on various occasions, has occurred, and is occurring in this country on the subject, be wound up with the distinct announcement that it is quite immaterial whether people are agreed upon it or not. Some such phrase is often used as the English Sabbath or the English Sunday. Can any half dozen members of any half dozen forms of religious belief in England, or any half dozen members of any one form of religious belief in this country, agree upon a definition or explanation of "*why* the Lord's Day is religiously observed, and *how* it ought to be religiously observed?" And if not, is the phrase anything more than a mode of expression differing in its meaning according to the ideas of each different person who employs it? English divines and writers, of established repute, amongst Protestants, express almost every variety of opinion which

can be expressed on this subject; and, without dwelling on the various inconsistent opinions which, in the particular instance to which we have referred, were maintained on this important question, either by word of mouth, or in the public journals, it may suffice to mention, as perhaps a fair specimen of the different and contradictory views which are broached by Protestants in popular discussion, that one gentleman who styled himself a member of the parish church congregation, and declared himself to be "a sound churchman," was candid enough to avow that "he dared not claim any other warrant for the observance of the Sunday than is to be found in the inestimable advantages of the practice;" whilst the vicar of the parish differed materially from the sound churchman and member of his congregation; for he was reported to have said that "the Creator in the beginning ordained that one day in seven should be observed as a Sabbath to Him, and a Sabbath was observed under the Jewish economy with the greatest strictness. The permanence of the obligation was sanctioned by the Saviour Himself, and *by the example of the Churches*; hence it was obligatory upon Christians to keep holy the Sabbath in compliance with, and recognition of, the principle that *one day in seven* should be devoted to the service of God." The minister of a dissenting congregation observed that "the change of the day was directly sanctioned by Christ," (where in the Scriptures this is recorded he did not mention,) "and was universally observed by the early Christians without dispute;" a singular remark from such a quarter, since, if it prove anything, it would prove *far too much for him*. Another Independent minister was of opinion that "they were indebted for the Christian Sabbath to the primitive and Apostolic Church."^{*}

* If these gentlemen are prepared to adopt *all* that was universally observed by the Primitive and Apostolic Church, they may find themselves indebted to it for some other things beside the Christian Sabbath. Will they submit to *its* authority? Or does each one of them *constitute himself an authority over it*, to determine which of the observances of the early and Apostolic Church he thinks proper to adopt? If so, the practice of that Church ceases to be any authority at all, and it is useless for him to quote it in support of what he calls the Christian Sabbath. He has chosen to reject its authority for other observances; what can he say to another who chooses to deny its authority for the Sunday?

One writer admitted "that there is no direct authority in so many words to substitute Sunday as the Sabbath-day," whilst a clergyman of the Establishment "wanted no stronger evidence of its spiritual nature and moral obligations than Isaiah, i. 13, lvi. 2."* If it appear singular that all these and various other different, and in some instances contradictory, opinions on so important a religious matter, should be expressed by gentlemen comprehended under the same religious name, it may be added that equally extreme varieties of opinion and contradictions respecting the religious observance of the Sunday, might be selected from the most approved English Protestant divines. It is impossible, therefore, to say what is either the Protestant, or the English, or even the Church of England doctrine concerning the Lord's Day; it seems with them to be rather an open question.

We propose, then, in considering this question, to put ourselves in the position of an English Protestant, whether of the Church of England or otherwise, and endeavour, *on his principles*, to arrive at some definite conclusion. What, then, are his principles? We wish to state and to reason upon them fairly, and for that purpose do what we would recommend our Protestant neighbours to do when they wish to learn or to state our belief; we refer to a recognized creed or statement of their doctrine. We

* It is a little remarkable that the very text which is thus quoted by the Rev. Gentleman, on one side of the question, is employed by Calvin on the other side of the question. Calvin (*Institutes* Beveridge's trans. vol. i. p. 459.) writes: "In this way we get quit of the trifling of the false prophets, who in later times instilled Jewish ideas into the people, alleging that nothing was abrogated but what was ceremonial in the commandment, (this they term in their language the taxation of the seventh day,) while the moral part remains, viz., the observance of one day in seven. But this is nothing else than to insult the Jews, by changing the day, and yet mentally attributing to it the same sanctity, thus retaining the same typical distinction of days as had place among the Jews. And of a truth we see what profit they have made by such a doctrine. Those who cling to their constitutions go thrice as far as the Jews in the gross and carnal superstition of sabbatism; so that the rebukes which we read in Isaiah, i. 13, viii. 13, apply as much to those of the present day as to those to whom the prophet addressed them."

find that the sixth of the thirty-nine articles of the Church of England declares that "Holy Scripture containeth all things necessary to salvation; so that, whatsoever is not read therein, nor may be proved thereby, is not to be required of any man that it should be believed as an article of the faith, or be thought requisite or necessary to salvation;" and see also the twentieth article, to the effect that, as the Church ought not to decree anything against Holy Writ, so, besides the same, ought it not to enforce anything to be believed for necessity of salvation. And though other religious bodies in this country who are also termed Protestant, may not adopt all the thirty-nine articles, we apprehend that there are few, if any, who do not subscribe to the above, and adopt the Scriptures as their only rule of faith and doctrine.* The only question, then, we have to consider is, whether the obligation of keeping the Sunday holy "can be read therein, or may be proved thereby."

And before entering upon purely Protestant principles into this enquiry, we would advert to two sources of error in consulting the Scriptures, against which it is requisite to be guarded. One is, that many who acknowledge the Scriptures as their only rule of faith and practice, consult them, more with a design to discover evidence in support of the opinions they have already adopted, than with the real desire of ascertaining what truths have actually been revealed, and what opinions they ought consequently to adopt. Let us then endeavour fairly and simply to discover what is expressed in the Holy Scrip-

* In the Confession, by the way, drawn up by the assembly of divines at Westminster, it is declared that "the Supreme Judge, by which all controversies of religion are to be determined, and all decrees of councils, opinions of ancient writers, doctrines of men, and private spirits are to be examined, and in whose sentence we are to rest, can be no other but the Holy Spirit speaking in the Scripture." On which, or perhaps forgetting which, Selden, the most distinguished of the Westminster assembly, writes in his Table Talk: "When the preacher says, 'This is the meaning of the Holy Spirit in such a place,' in sense he can mean no more than this, that is, 'I, by studying of the place, by comparing one place with another, by weighing what goes before with what comes after, think that this is the meaning of the Holy Spirit,' and for shortness of expression, I say, 'the Holy Ghost says this, or this is the meaning of the Spirit of God.'"

tures respecting the religious observance of the Sunday, and not merely use fragments of them in an attempt to prop up preconceived opinions.

The second source of error to which we have alluded may be expressed in the following words of a Protestant writer. "If the Scriptures be recognized as an authoritative communication from God to man, the question is no longer, what do we think *is probable*? but what is it that we find *actually revealed as true*? Instead, then, of forming positive opinions on points concerning which there has no distinct information been communicated, and allowing conjectural notions to influence our minds in the examination of legitimate evidence, it seems more consonant with reason, and at the same time more respectful to that authoritative character which the Scriptures claim, carefully to distinguish between what is certain and what is merely possible, or presumptive; and from that portion of Scriptural testimony which we thus ascertain to be certain, to draw our conclusions, without giving heed to the vague notions and baseless theories of speculative divines."*

Let us, then, endeavour, while testing this question by reference to Holy Scripture, and to that alone, to guard against both these errors; let us see what the Scriptures plainly express, and certainly prove, and not what they may possibly be construed to give some appearance of support to.

We trust that all the opinions which have recently found expression in this country respecting the obligation of observing, and the mode of observing the Sunday, may be sufficiently comprehended within one or other of those points of view which we now proceed to suggest and deal with.

It is by some persons asserted that the religious observance of the first day in the week, or Sunday, is a *moral law*, which would be obligatory upon us even in the absence of any express divine command. This may perhaps be determined by defining and understanding clearly what is meant by a moral law. We mean, then, by a moral law, one of those principles of right and wrong implanted in our nature, which would cause us to feel and know some things to be right and other things to be

* The Modern Sabbath Examined. Whittaker and Co.

wrong, even although no divine law had been revealed to us commanding or forbidding them. Thus we feel and know that it is wrong to steal; but surely no one will say that we thus feel and know the obligation of the Sunday. As the same Protestant writer observes: "It is a gross fallacy to represent the law 'Thou shalt not steal,' and an injunction to sanctify *a determinate portion* of time as laws alike eternal and immutable in their obligation. The former is a moral duty, being founded on the nature of things, and its obligation is recognized by the human conscience, independent of any specific enactment. The latter is termed a positive law, because it derives its obligation wholly from the promulgation of an express precept. The one is commanded because it is right, the other is right because it is commanded." If the Almighty had never given any commandment whatever on the subject, would mankind have established the moral duty of observing *the seventh*, or even *a seventh day* holy, as they have, without revelation, maintained the moral duty of abstaining from theft? To worship a Supreme Being is a moral duty; to set apart *any special day* for that purpose can only be obligatory upon man in compliance with express authority.†

Where, then, is this authority in the Holy Scriptures? To what day does it apply? And what is the nature of the duty imposed upon us in reference to that day?

It has been by some contended that the third verse of the second chapter of Genesis contains the original institution of the Sabbath, and makes it obligatory on all mankind. "And God blessed the seventh day, and sanctified it, because that in it he had rested from all his work which God created and made."‡ Now, we ask, could any mind, free from the influence of previous impressions, and seeking in the Bible only the clear and certain commandments of God, be encouraged by this text to exclaim along with a

* The Modern Sabbath Examined.

† Such was the opinion of the eminent Protestant Bishops Warburton and Butler. See Cox's Sabbath Laws, p. 169.

‡ As we have in this article referred to none but Protestant writers, and are arguing upon Protestant principles, all our quotations from the Holy Scriptures are made from the authorized or Protestant version.

clergyman of the Established Church, whose letter lies before us, "We want no fresh command for the observance of one day in the seven. We have that in the institution of the Sabbath in Paradise." Is it a fact that it was merely one day indifferently out of the seven which the Almighty sanctified, or rather is there not a peculiar reason given for His sanctifying *the* seventh as distinguished from any other day; and must not, therefore, any one who keeps holy the first instead of the seventh day, find in this text rather evidence that he is violating than obeying the commandment? The text we have quoted does *not* record, nor is there anywhere any record, that the Almighty communicated such a commandment to Adam. And it is a very remarkable circumstance that there is no allusion in any part of the Bible to the Sabbath having been observed either by Adam or by any one of the patriarchs, or by any one whatever until Moses. To use the words of a Protestant writer, "On the supposition that the Sabbath was observed by the patriarchs, this circumstance is certainly not a little remarkable; for among the numerous minute and familiar narratives we possess of the religious customs and domestic habits of these times, it is very improbable that a single allusion to this weekly practice should never have once occurred if it had been then an established observance. As the Sacred History advances this improbability becomes stronger and stronger. If the Israelites had been in the habit of observing a weekly Sabbath, previous to their migration to Egypt, the observance must necessarily have been, in a great measure, discontinued at the period of their captivity; there is no mention made, however, of any difficulty they experienced under the rule of their oppressive bond-masters in fulfilling this religious obligation, nor of the observance being suspended or sinfully neglected; and it is certain that those to whom the law was actually delivered, received no permission to dispense at any time whatever with the literal performance of its rigorous prescriptions."*

As some ecclesiastical writers and speakers now in a tone of authority declare so positively that the Sabbath was made obligatory on all mankind at the period of the creation, it may be a relief to many of our Protestant friends

* The Modern Sabbath Examined.

who feel a difficulty in submitting their minds to such an authority, to observe that the opinions of Protestant divines of the highest repute lead to the opposite conclusion. Paley, in reference to the meaning of the above passage of Genesis, says, "Although the blessing and sanctification, i.e., the religious distinction and appropriation of that day was not actually made till many ages afterwards, the words do not assert that God *then* 'blessed' and 'sanctified' the seventh day, but that He blessed and sanctified it *for that reason*; and if any ask, why the Sabbath, or sanctification of the seventh day, was then mentioned, if it was not *then* appointed, the answer is at hand; the order of connection, and not of time, introduced the mention of the Sabbath in the history of the subject which it was ordained to commemorate." Archbishop Magee also, in his work on the Doctrine of the Atonement, writes, "But in what way is the divine appointment of the Sabbath recorded? Is it anywhere asserted by Moses that God ordered Adam and his posterity to dedicate every seventh day to holy uses, and to worship of His name; or that they ever did so in observance of any such command? No such thing. It is merely said, that having rested from the work of creation, *God blessed the seventh day and sanctified it.* Now so far is this passage from being universally admitted to imply a command for the sacred observance of the Sabbath, that some have altogether denied the Sabbath to have been instituted by divine appointment: and the Fathers in general, and especially Justin Martyr, have been considered as totally rejecting the notion of a patriarchal Sabbath. But although, especially after the very able and learned investigation of this subject by Dr. Kennicott, in the second of his two dissertations, no doubt can reasonably be entertained of the import of this passage as relating the divine institution of the Sabbath, yet still the rapidity of the historian has left this rather as a matter of inference; and it is certain that he has *nowhere* made express mention of the observance of a Sabbath until the time of Moses."

Beausobre, in his Introduction to the New Testament, used, we understand, as a Lecture Book in the University of Cambridge, expressly allows and gives his reasons for believing that the Sabbath was not instituted till the time of Moses. His words are:—"The account of the creation

was not given till after the coming of the children of Israel out of Egypt, with a design to turn them from idolatry and the worship of creatures. Moses takes from thence an occasion of giving them to understand that this is the reason why God hath sanctified the seventh day, and appointed this festival, to be by them celebrated every week. Upon this supposition, the sanctifying of the Sabbath does not relate to the creation of the world, where we find it mentioned, but to after ages."

We do not presume to offer our own interpretation of this passage in Genesis; but not finding in the text itself any commandment to man; recollecting when, by whom, and under what circumstances it was written by Moses; that from the time of the creation down to Moses no record of the observance can be found, and that God had given a commandment to the Israelites to observe the Sabbath just before this account in Genesis was written by Moses; all we venture to suggest is, that under such circumstances it seems difficult, if not impossible, for any reasoning man to arrive at the clear conclusion that this passage alone proves that at the time of the creation the Almighty made it obligatory upon all mankind ever afterwards to observe the Sabbath day. We quite grant that it may be so, and are far from asserting that it was not so, but we venture to think that no man is entitled to take upon himself to say, relying upon this passage alone, that it certainly was so. Thus far, then, the Scriptures, we presume to think, leave us in uncertainty.

Let us, then, proceed to those passages of the Old Testament where the Sabbath is plainly instituted. The first direct mention of it occurs in the 16th chapter of Exodus, where Moses gives directions to the Israelites as to collecting the manna. It is a matter of minute observation and criticism whether the Sabbath is so mentioned here as to imply that it was an observance altogether new to the Israelites, or was previously known to them. We shall leave each one to read the chapter carefully over and then form his own conclusions, suggesting only to the unlearned reader that he must not suppose that any recognition is implied by the use of the definite article "the" before *Sabbath* in the 23rd and 26th verses, since Protestant Hebrew scholars affirm that the correct translation would be in the 23rd verse, "To-morrow is the rest of a Sabbath

sanctified to the Lord," and in the 26th verse, "On the seventh day which is a Sabbath,"*

Its next mention is in the solemn giving of the Commandments to the Israelites, recorded in the 20th chapter of Exodus, upon which we have only to observe that most emphatically does the Almighty command *the* seventh day to be kept holy, and even condescends to give a reason for selecting *the seventh* rather than any other day in the week. We have heard it said by Protestants that according to the Hebrew original the indefinite article should here be used before "seventh," and that the proper reading, therefore, in the 10th verse is "*a* seventh day is the Sabbath." This, however, the Protestant Godfrey Higgins remarks, is not only a mistake, but singularly opposed to the fact, since the strictly correct translation would, according to the Hebrew, be, "*the* seventh day is a Sabbath," or rather, as there is no authority in the Hebrew for the verb "is," "the seventh day a Sabbath," and as he remarks, no one could say it was a mistranslation if it ran, "*The* seventh day *shall be* a Sabbath." And this illustrates how liable to mistakes we are in attaching particular meaning to verbal expressions in our English translations of the Bible. We could quote on a variety of topics verses from the Bible which are commonly current in an Englishman's mouth, and to which he attaches the peculiar force and meaning which the English sentence conveys, when the original either certainly does not convey the same peculiar meaning, or is quite equally susceptible of a different construction. It has sometimes been observed that the word "remember" in the Commandment implies that the Sabbath was known and previously observed. Assuming this to be a correct inference from the use of that word, they who argue that this must necessarily refer to an ordinance given to Adam at the creation, seem to forget the previous institution of the Sabbath in the Desert of Sin on the announcement of the

* See *Horæ Sabbaticæ* by Godfrey Higgins, who adds, "he has been more particular in the extraction of these texts because he has met with several clergymen, not learned in the Hebrew language, who have maintained that from the use of the emphatic article in the places in question, a previous establishment and an existence of the Sabbath must be necessarily inferred. But the fact is, that the contrary inference must be drawn from the Hebrew text."

man. This only is clear and certain, that the Almighty commanded *the* seventh day to be kept holy, that the seventh day was Saturday, and that the Jews have, ever since this commandment of God was given, most carefully, strictly, and religiously observed the Saturday Sabbath. They have never presumed to dilute or modify the commandment of God, by styling it *a* seventh when He chose to fix *the* seventh; neither have they considered whether there were in their opinion good and adequate motives for the Almighty to alter the day; they simply obeyed what the Almighty plainly commanded, and so far they are consistent; having adhered to the Old Testament as their Divine Law, they do not travel beyond it, or adopt anything which cannot be plainly proved by it. We hope to make it apparent that there are many good well meaning Protestants in this country who, in keeping holy the Sunday, and neglecting to keep holy the Saturday, are not quite so consistent as the Jews.

Having, then, ascertained from the information which the Almighty has vouchsafed to us in the Old Testament, that whatever commandment He clearly gave respecting the Sabbath was as clearly applied to *the* seventh day, and that, so far from the Old Testament furnishing any grounds for our presuming to talk about *a* seventh instead of the seventh day, everything in the Old Testament conclusively fixes the obligation to *the* seventh day; let us now proceed to examine whether in the New Testament is contained any authority for altering the commandment of God Almighty, and transferring to the Sunday that observance which He in exact terms attached to the Saturday.

We are all agreed that the peculiar rites and ceremonial observances of the Jewish people are abolished; and it is not therefore requisite for our present purpose to occupy time in considering whether the abolition applied only to the peculiar rites and ceremonial observances of the Jewish people on the Sabbath, or whether it extended to the Jewish Sabbath altogether; because, whether persons adopt the former or the latter view, it is equally necessary for them to discover in the New Testament some distinct authority for the holy observance of the Sunday, if in the language of the Church of England, "Holy Scripture containeth all things necessary to salvation; so that whatever is not read therein, nor may be proved thereby, is not to

be required of any man that it should be believed as an article of the faith, be thought requisite or necessary to salvation." We have already shown that the Old Testament does not establish the obligation of observing the Sunday; it follows, therefore, that they who adopt what is expressed in this article, must either prove by something contained in the New Testament the obligation upon all mankind to observe the Sunday, or they are driven to the conclusion that the observance of the Sunday is not "requisite or necessary to salvation," but a matter about which each one is at liberty to please himself, and for the non-observance of which, therefore, no one can properly be blamed.

It is sometimes said vaguely by those who forget what kind of proofs they are tied down to by their avowed principles, that our Saviour having risen from the dead on the Sunday, *therefore* we ought to keep that day holy. With due deference this is merely suggesting what appears to the suggester a good reason why the Almighty *might* have commanded us to keep the Sunday holy if it had pleased Him to do so. Let us keep, then, to the question before us, *Does* the New Testament reveal to us any commandment from God to keep the Sunday holy? If not, it cannot be, upon Protestant principles, a matter of religious obligation.

We will endeavour to refer to all the texts which are quoted in support of this observance of the Sunday, and ask our readers to consider their meaning fully and fairly, and again respectfully caution them not to be biased in the construction of texts by any preconceived notions in their own minds, but to consider the plain and obvious meaning of each text, and how far it can reasonably be deemed to carry us, and also not to be satisfied with any mere conjecture or supposition, but to look for proof of an important obligation enjoined upon us by Almighty God.

It is confessed, however, that there is no record in the New Testament of any divine commandment to keep holy the Sunday. To those, then, who concur in what is expressed in the Sixth Article of the Church of England, this would seem to be an abandonment of the obligatory character of the Sunday, since its observance cannot, according to them, be requisite for salvation, unless it can be proved by the Scriptures. But then it is said that circumstances are mentioned in the New Testament from

which its institution may be inferred, and that this inference is strengthened by the uniform practice of the Early Church. We might remark to those who rely upon the practice of the Early Church, that it might equally be quoted in support of some other things which they will not accept upon the authority of such practice;* but it is sufficient for us to say to those who use this argument, that they are not, according to their principles, entitled to use it at all; nor will it suffice for them to assert that it may be inferred; they must either prove the obligation from the Scriptures alone, or abandon the idea of obligation. What, then, are the texts of Scripture upon which they rely? There are three different occasions on which it is mentioned in the Bible that the disciples were together on the first day of the week; whence we are asked to infer, for few will say it is thereby proved, that our Saviour taught them to keep holy the Sunday instead of the Saturday. We may here observe that if our Saviour had intended the Scriptures to be the entire record of all that He taught His disciples as necessary for salvation, we might expect that He would have inspired one of the evangelists or apostles to record this His teaching respecting the observance of the Sunday, and that, as He has not done so, one of these two consequences must necessarily follow, either the observance of the Sunday is not necessary, or the Scriptures do not contain all that is necessary.

The first occasion of the disciples being together on the first day of the week, is most fully mentioned in the 20th chap. of St. John, verse 19 and seq. It was on the same day that our Saviour rose from the tomb, after He had shewn Himself to St. Mary Magdalen, who had hastened to tell the disciples that she had seen the Lord, and what things He had said to her. These were the circumstances immediately preceding the 19th verse, in which St. John thus proceeds:

“ Then the same day at evening, being the first *day* of the week, when the doors were shut where the disciples were assembled for

* St. Justin Martyr, the earliest Father whom we have observed quoted by Protestants, might equally be vouched for the Invocation of Saints and Angels, Regeneration in Baptism, the Sacrifice of the Mass, the Real Presence in the Eucharist, &c. Will they adopt these because supported by the same authority as the Sunday?

fear of the Jews, came Jesus and stood in the midst, and saith unto them, Peace *be* unto you. And when he had so said, he shewed unto them *his* hands and *his* side. Then were the disciples glad, when they saw the Lord. Then said Jesus to them again, Peace *be* unto you : as *my* Father hath sent me, even so send I you. And when he had said this, he breathed on *them*, and saith unto them, Receive ye the Holy Ghost: Whose soever sins ye remit, they are remitted unto them ; and whose soever sins ye retain, they are retained."

So far St. John. It may be proper to state how the same event is referred to by the other Evangelists. St. Matthew does not notice it at all. St. Mark writes : c. 16, v. 14, and seq.

"Afterward he appeared unto the eleven as they sat at meat, and upbraided them with their unbelief and hardness of heart, because they believed not them which had seen him after he was risen. And he said unto them, Go ye into all the world, and preach the gospel to every creature. He that believeth and is baptized shall be saved ; but he that believeth not shall be damned. And these signs shall follow them that believe ; in my name shall they cast out devils ; they shall speak with new tongues ; they shall take up serpents ; and if they drink any deadly thing, it shall not hurt them ; they shall lay hands on the sick, and they shall recover. So then after the Lord had spoken unto them, he was received up into heaven, and sat on the right hand of God."

And St. Luke, after narrating fully the journeying of our Saviour with the two disciples to Emmaus, His making Himself known to them, and His vanishing out of their sight, adds :

"And they rose up the same hour, and returned to Jerusalem, and found the eleven gathered together, and them that were with them, saying, The Lord is risen indeed, and hath appeared to Simon. And they told what things *were done* in the way, and how he was known of them in breaking of bread. And as they thus spake, Jesus himself stood in the midst of them, and saith unto them, Peace *be* unto you. But they were terrified and affrighted, and supposed that they had seen a spirit. And he said unto them, Why are ye troubled ? and why do thoughts arise in your hearts ? Behold my hands and my feet, that it is I myself : handle me, and see ; for a spirit hath not flesh and bones, as ye see me have. And when he had thus spoken, he shewed them *his* hands and *his* feet. And while they yet believed not for joy, and wondered, he said unto them, Have ye here any meat ? And they gave him a piece of broiled fish, and of an honeycomb. And he took it, and did eat before them. And he said unto them, These *are* the words which I

spake unto you, while I was yet with you, that all things must be fulfilled, which were written in the law of Moses, and *in* the prophets, and *in* the psalms, concerning me. Then opened he their understanding, that they might understand the scriptures, and said unto them, Thus it is written, and thus it behoved Christ to suffer, and to rise from the dead the third day: and that repentance and remission of sins should be preached in his name among all nations, beginning at Jerusalem. And ye are witnesses of these things. And, behold, I send the promise of my Father upon you: but tarry ye in the city of Jerusalem, until ye be endued with power from on high. And he led them out as far as to Bethany, and he lifted up his hands, and blessed them. And it came to pass, while he blessed them, he was parted from them, and carried up into heaven."

We have quoted the entire of the three accounts at this length, in order that our readers may have what is recorded, wholly and clearly before them at one glance; and we need hardly ask whether the institution of the Sunday can receive even the slightest support from the circumstance of the apostles being assembled together in this instance, on the first day of the week. The miraculous events which had occurred during that day, might surely have been expected to bring the apostles together to take counsel with one another without, in any degree, implying that they were met for solemn stated worship on the Sunday. So far indeed from one word being said of their being met for the purpose of religious worship, St. John, on the contrary, expressly says that they were "*assembled for fear of the Jews,*" and the circumstances mentioned by the other disciples that they were "*at table,*" and their furnishing our Saviour, in reply to his enquiry if they had any thing to eat, with a piece of broiled fish and a honeycomb, lead also to an opposite inference. We do not put it as stronger than an inference, because the narratives of St. Mark and St. Luke are so rapid and brief, that it is possible to contend that the incidents mentioned by them, do not all refer to the same occasion; but altogether the passages can suggest at most but an inference or conjecture, and that is rather against, than in favour of any Sunday assemblage on that occasion for religious worship. The probability, indeed, would seem to be, considering the state of imperfect information in which the apostles then were, (and here of course, again, we are only hazard- ing a conjecture) that if our Saviour did teach them to

observe the Sunday, it was not until after they had, from quite other motives, assembled together on this the day of His resurrection.

The only other instances in which it is mentioned in the New Testament, that the apostles or disciples, or any of them were assembled together on the first day of the week, are as follows. The second is in the gospel of St. John, immediately after the verses already quoted from his 20th chap., giving an account of our Saviour's appearance to them on the day of His resurrection. It is there added :

"But Thomas, one of the twelve, called Didymus, was not with them when Jesus came. The other disciples therefore said unto him, We have seen the Lord. But he said unto them, Except I shall see in his hands the print of the nails, and put my finger into the print of the nails, and thrust my hand into his-side, I will not believe. And after eight days again his disciples were within, and Thomas with them : *then* came Jesus, the doors being shut, and stood in the midst, and said, Peace *be* unto you. Then saith he to Thomas, Reach hither thy finger, and behold my hands ; and reach hither thy hand, and thrust *it* into my side : and be not faithless, but believing. And Thomas answered and said unto him, My Lord and my God. Jesus saith unto him, Thomas, because thou hast seen me, thou hast believed : blessed *are* they that have not seen, and *yet* have believed."

"All we will venture to suggest upon this is, that it may mean that the Sunday was kept specially holy by the disciples, but it is very far from amounting to proof that they did so, still less is it proof of such an obligation upon all mankind.

The next or third occasion* on which we find any assemblage of the disciples on the first day of the week mentioned, is the 20th chap. of Acts, when St. Paul was at Troas :

"And upon the first *day* of the week, when the disciples came together to break bread, Paul preached unto them, ready to depart on the morrow ; and continued his speech until midnight. And there were many lights in the upper chamber, where they were gathered together. And there sat in a window a certain young man named Eutychus, being fallen into a deep sleep : and as Paul was long preaching, he sunk down with sleep, and fell down from the third loft, and was taken up dead. And Paul went down, and fell on him, and embracing *him* said, Trouble not yourselves ; for his life is in him. When he therefore was come up again, and had

broken bread, and eaten, and talked a long while, even till break of day, so he departed."

This, we may remark, is the only occasion in which it is recorded in the Scriptures, that the disciples were met *for the purpose of religious worship* on the first day of the week. Only three instances of their being so assembled at all are recorded; the first on the day of the resurrection may, for the reasons already suggested, be thrown out of consideration altogether, as not even raising any inference as to the observance of the Sunday; the second occasion was on the eighth day afterwards, when it is merely mentioned that they were within and Thomas with them; and the third is this single instance of a religious meeting at Troas, St. Paul spending just seven days with them, and that being the day before his departure. We grant that an inference may be drawn from the second and third occasions mentioned, especially the last; and persons who meet for religious worship on the Sunday, may piously comfort themselves with the feeling that they are doing what St. Paul did at Troas; but we put it to the plain good sense of our readers, is it plainly *proved* from these passages of Scripture, that it is obligatory upon all mankind to observe the Sunday in the mode in which most of us agree upon some grounds or other, that the Sunday ought to be observed? We are not disputing the obligation of observing the Sunday, we are only asking whether Protestants can, by reliance on these texts, bring the obligation of the Sunday within the terms of the 6th Article? If not, which will they abandon as indefensible, the Article or the Sunday? Both they cannot consistently contrive to maintain. If they stand by the Article then they must prove the Sunday by the Scriptures. If they find, as we think by this time our readers must have found, that they cannot, by the Scriptures, prove the obligation to observe the Sunday, then they must perforce abandon the Article.

There is one other instance in which the first day of the week is mentioned, viz., in the 16th chap. of St. Paul's Epistle to the Corinthians, in which he writes:

"Now concerning the collection for the saints, as I have given order to the churches of Galatia, even so do ye. Upon the first day of the week let every one of you lay by him in store, as God hath prospered him, that there be no gatherings when I come.

And when I come, whomsoever ye shall approve by *your* letters, them will I send to bring your liberality unto Jerusalem."

Not even an assemblage is spoken of, but in order that the collections may be prepared by the time of his arrival, he requests that each one will, on the first day of the week, put apart something. This, surely, is no proof of the religious obligation of the Sunday.

We should not, however, be laying before our readers, the whole of what is said in the Scriptures on this subject, if we did not mention that in the 10th verse of the 1st chap. of the Apocalypse, occurs the statement, "I was in the spirit on the Lord's day," and this no doubt may be construed to mean a day peculiarly devoted to the service of the Lord. But what if that be a phrase which, as descriptive of the first day of the week, would have been understood by Pagans as well as by Christians? And, it is stated by competent Protestant scholars, that the expression *dies domini*, or the day of the Lord Sun, or the Lord's day, was a designation of Sunday known to the pagans, the Sun being the chief or lord of those divinities to whom the days of the week were separately and specially dedicated.*

There is another occasion mentioned in the New Testament when the apostles are mentioned to be together on what we believe to have been the first day of the week, though that is not stated in the text. In the 2nd chap. of the Acts we are told that:

"And when the day of Pentecost was fully come, they were all with one accord in one place. And suddenly there came a sound from heaven as of a rushing mighty wind, and it filled all the house where they were sitting. And there appeared unto them cloven tongues like as of fire, and it sat upon each of them. And they were all filled with the Holy Ghost, and began to speak with other tongues, as the Spirit gave them utterance."

Here it is not even stated that they were assembled for prayer, and though some inference may be drawn from it, does it or do all the instances we have mentioned put together, amount to anything like a proof from Scripture, that all mankind are bound religiously to observe the Sunday instead of the Saturday?

* See Higgins's *Horæ Sabbaticæ*.

There are some other texts occasionally alluded to, rather by those who seem to think that positive assertion with an enumeration of texts, settles the question; it may do so for them; what effect these texts may have on reasoning and reflecting minds, we leave our readers to consider, after simply copying them, which we do only because they are sometimes quoted as proofs from Scripture of the Sunday obligation.

The 13th verse of the 16th chap. of the Acts, is as follows:

“And on the sabbath we went out of the city by a river side, where prayer was wont to be made; and we sat down, and spake unto the women which resorted *thither*.”

In the 14th chap. of St. Paul's Epistle to the Romans, whilst advising them to bear with each other's weaknesses and peculiarities, he writes in the 5th verse: “One man esteemeth one day above another: another esteemeth every day *alike*. Let every man be fully persuaded in his own mind.”

In the 4th chap. of St. Paul's Epistle to the Galatians, whilst referring to the freedom of the gospel of Christ as compared with the servitude of the old law, he writes in the 9th, 10th, and 11th verses: “But now, after that ye have known God, or rather are known of God, how turn ye again to the weak and beggarly elements, whereunto ye desire again to be in bondage? Ye observe days, and months, and times, and years. I am afraid of you, lest I have bestowed upon you labour in vain.”

And again in the 2nd chap. of his Epistle to the Colossians, warning them against the Jewish teachers who would withdraw them from Christ, he writes in the 16th and 17th verses: “Let no man therefore judge you in meat, or in drink, or in respect of an holy-day, or of the new moon, or of the sabbath-days: which are a shadow of things to come; but the body *is* of Christ.”

And in the 3rd chap. of his Epistle to the Hebrews, he writes in the 13th verse: “But exhort one another daily, while it is called To-day; lest any of you be hardened through the deceitfulness of sin.”

We have thus faithfully and fully quoted all the passages in the New Testament which, so far as we have observed, have been recently quoted as tending to eke out the Scriptural proof of the obligation of observing the

Sunday. He who can detect in these passages, in the whole of them, or in any one of them, any confirmatory proof of divine authority for keeping the Sunday holy, possesses a power of penetrating to a hidden meaning in language which we are equally unable to emulate or to comprehend. To us these passages seem to leave the question as to the Sunday just where it was before. Some persons might apply them adversely; we are content to say, what we think is sufficiently obvious, that some of them do not help the argument for the Sunday at all, and that they do not altogether enable any one truly to assert that the obligation upon all mankind religiously to observe the Sunday, can be proved from the sacred Scriptures alone.

One clergyman of the Established Church, in the discussion to which we have before referred, said: "Take away the Sabbath, and you go far towards annihilating the chief blessings of revelation," meaning by the Sabbath the Christian Sunday, which leads us to remark that they who, in the terms of the 6th Article, maintain that its obligation can be proved from the sacred Scriptures alone, seem to be the very persons who, more than any others, bring its obligation into question by resting it upon a basis which will not stand the test of a careful examination. They, in effect, "take it away" by taking away and refusing to adopt that argument by which alone it can be securely maintained, viz., the tradition and authority of the Church.

An impression prevails among many good people in this country, whose impressions are strong and sincere, but whose information is rather limited, that not only the Sunday, but also the holidays of Christmas, Easter, and Whitsuntide, are something *peculiarly English*. It happens, unfortunately for them, that the very puritans whose regular descendants and representatives they now are in doctrine and practice, issued, in 1647, the following amongst other ordinances, "for the reformation of the Church." "Forasmuch as the Feast of the Nativity of Christ, Easter, Whitsuntide, and other festivals, commonly called holidays, have been heretofore superstitiously used and observed; be it ordained that the said feasts, and all other holidays be no longer observed as festivals." On which King Charles thus pertinently addressed the parliament Commissioners, "I desire to be resolved of this

question, why the new reformers discharge the keeping of Easter? My reason for this query is, I conceive the celebration of the feast was instituted by the same authority which changed the Jewish Sabbath into the Lord's day or Sunday, for it will not be found in Scripture where Saturday is discharged to be kept, or turned into Sunday; wherefore it must be the Church's authority that changed the one and instituted the other; therefore my opinion is, that those who will not keep this feast, may as well return to the observation of Saturday, and refuse the weekly Sunday. When anybody can shew me that herein I am in error, I shall not be ashamed to confess and amend it; till when you know my mind. C. R."

"Sir James Harrington presented His Majesty with an answer to this query, in which he denies that the change of the Sabbath was from the authority of the Church, but derives it from the authority and example of our Saviour and His apostles in the New Testament."* With what degree of truth our readers have already the opportunity of judging. The truth really is that the then Puritans, and those Protestants who now attempt on their principles to establish the religious obligation of the Sunday, would have encountered much less argumentative difficulty if they had endeavoured to bring back the Sabbath observance to the old Sabbath day or Saturday, on the ground that the Scriptures contained no authority for the transfer of the obligation to the Sunday. This would at least have made their practice, however mistaken, consistent with their principles; as it is they are obliged to repudiate their principles in order to establish their practice.

Those notions as to the observance of the Sunday which exclude all appreciation of its real character as a day of religious rejoicing, and frown upon all innocent recreation, instead of being English, are in reality, novel in England. Such notions were not in vogue with the grandfathers or even with the fathers of the present generation of Protestants in this country; they have come into fashion since the commencement of this 19th century, and so far from being a distinguishing characteristic of either Englishmen or English Protestants, all the weight both of numbers and of authority, of ordinary usage and of learned dignity,

* Neal's History of Puritans, vol. 3, p. 355.

in the Church of England will, if we look back a little, be found ranged in opposition to them. Miss Mitford, in her *Belford Regis*, speaks evidently from personal and family recollections, of "the well-endowed Churchman of the old school, at peace with himself and with all around him, who lives in quiet and plenty in his ample parsonage-house, dispensing with a liberal hand, the superfluities of his hospitable table, regular and exact in his conduct, but not so precise as to refuse a Saturday night's rubber in his own person, or to condemn his parishioners for their game at cricket after service on Sunday afternoons; charitable in word and deed, tolerant, indulgent, kind, to the widest extent of that widest word." And Bishop Horsley, whom Cox calls "the most able amongst the recent advocates of the Christian Sabbath," thus writes in one of his *Sermons on the Sabbath*: "Private devotion is the Christian's daily duty; but the peculiar duty of the Sabbath is public worship. As for those parts of the day which are not occupied in the public duty, every man's conscience, without any interference of public authority, and certainly without any officious interposition of the private judgment of his neighbour, every man's own conscience must direct him what portion of his leisure should be allotted to his private devotion, and what may be spent in sober recreation. Perhaps a better general rule cannot be laid down than this, that the same proportion of the Sabbath, on the whole, should be devoted to religious exercises, public and private, as every man would spend of any other day in his ordinary business."

"The holy work of the Sabbath, like all other work to be done well, requires intermissions. An entire day is a longer space of time than the human mind can employ with alacrity upon any one subject. The austerity, therefore, of those, is little to be commended, who require that all the intervals of public worship, and whatever remains of the day after the public duty is satisfied, should be spent in the closet, in private prayer, and retired meditation. Nor are persons in the lower ranks of society to be very severely censured, those especially who are confined to populous cities, where they breathe a noxious atmosphere, and are engaged in unwholesome occupations, from which, with their daily subsistence, they derive their daily poison, if they take advantage of the leisure of the day to recruit their wasted strength and harassed spirits, by short excursions."

sions into the purer air of the adjacent villages, and the innocent recreations of sober society, provided they engage not in schemes of dissipated and tumultuous pleasure, which may disturb the sobriety of their thoughts, and interfere with the duties of the day. The present (at the beginning of the 19th century,) humour of the common people leads, perhaps more to a profanation of the festival than to a superstitious rigour in the observance of it; but in the attempt to reform, we shall do wisely to remember, that the thanks for this are chiefly due to the base spirit of puritanical hypocrisy, which in the last century opposed and defeated the wise attempts of government to regulate the recreations of the day by authority, and prevent the excesses which have actually taken place by a rational indulgence. The Sabbath was ordained for a day of public worship, and of refreshment to the common people. It cannot be a day of their refreshment if it be made a day of mortified restraint. To be a day of worship it must be a day of leisure from worldly business, and of abstraction from dissipated pleasure; but it need not be a dismal one. It was ordained for a day of general and willing resort to the holy mountain, where men of every race and every rank, and every age, promiscuously—Hebrew, Greek, and Scythian—bond and free, young and old, high and low, rich and poor, one with another—laying hold of Christ's atonement, and the proffered mercy of the Gospel, might meet together before their common Lord, exempt for a season from the cares and labours of the world, and be 'joyful in his house of prayer.' " The writer of these sentiments was styled by Dr. Parr, "the renowned champion of orthodoxy;" yet so much does the fashion of opinion change amongst English Protestants on the subject of the Sabbath, that what was fifty years ago esteemed by many to savour of strictness, would now be regarded by the new lights of church and chapel as failing to come up to their standard of propriety.

A royal head of the Church of England, at one time issued a book of sports to regulate the amusements of the Sunday; this book, the parliament, which really determines both the doctrine and the practice of that Church, ordered to be burnt by the hands of the common hangman, and they at the same time destroyed all the monuments of piety in the churches, and all the maypoles on the village greens. The restoration of Charles II. threw every-

thing which was puritanical into disfavour, not only with the court, but also with the majority of the people. Then, as Dr. Cook observes,* "At the Revolution, Presbytery being restored, there came with it those sentiments of the Lord's Day, which the original founders of the Presbyterian Church had adopted." One of the distinguishing characteristics, however, of the majority of the clergy of the Church of England, and of the tory, or reigning party in this kingdom, afterwards became, and long continued to be, a supreme detestation of everything puritanical and nonjuring, and not only a theoretical tolerance of, but a frequent indulgence in amusements on the Sunday, inconsistent with the sacred duties of the day. Reaction again, and within our own recollection, occurred. Those of us who are but of middle life can recollect the undue prevalence of Sunday amusements, when even cabinet dinner parties did not scandalize the bulk of the people, and therefore the modern Sabbatarians, if they had any knowledge of the history of either their country or their religion, would not presume to assert that their views, whether right or wrong, have ever been, or have long been, the prevailing views of either Englishmen or Protestants.

They cannot quote prescription in their favour, and they have excluded themselves from dependence upon authority. They attempt, as we have seen in the few passages quoted, and as we every day see in newspapers, speeches, and sermons, to eke out a weak Scriptural case by reference to the practice of the early Christian Church. Of two things, one, they must either stand by the sixth article of the Church of England, or they must abandon it. If they stand by it they must prove the authority for the observance of Sunday *from the Scriptures alone*, which we think we have sufficiently shown they cannot do. If they abandon it, they abandon an essential principle of Protestantism, in other words, they abandon Protestantism altogether.

To maintain the observance of the Sunday by reference to the practice and authority of the early Christian Church is, to argue like a Catholic, and he who finds himself obliged to argue like a Catholic, had better make his profession consistent with his argument.

* Cook's General and Historical View of Christianity.

Catholics, and they alone, can consistently and with good reason rely upon the authority and tradition of the Apostolic and early Christian Church, to establish, not only the obligation of the religious observance of the Sunday, but also other things, equally established or confirmed by the same authority and the same tradition, to some of which we have already briefly alluded. Indeed, if the investigation be pursued to its ultimate results, it will be discovered that in support of all those distinctive doctrines to which the Catholic Church has adhered may be vouched the practice of that early Christian Church, which is vouched by Protestants in support of the Sunday. The Protestant, therefore, who wishes to inculcate the obligation of religiously observing the Sunday, will find that, in order to do so with consistency, he must become a Catholic.

A word, as to the *mode* of observing the Sunday. The Sunday is to be kept holy by abstaining from all work, (except what is absolutely necessary,) and by prayer, pious reading and meditation, and deeds of charity and mercy; detailed instructions respecting the duties of that day may be found in Gother or any other Catholic volume of sermons or family prayer in general use, which would, we think, be concurred in by most Protestants. We name Gother only because his works date back so far, and are in such general use in Catholic families as to preclude the idea in any Protestant mind of their being other than genuine practical instructions for Catholic life and conduct quite beyond the reach of any external bias. Some recreation on the Sunday human nature usually requires for both mind and body, liable of course to be modified by a variety of circumstances, as e.g., the nature of a man's ordinary employment, the locality or climate in which he ordinarily lives, his health, and other circumstances. Without entering into the details of the casuistry of the question, or attempting to define the limits to which indulgence may be extended without absolutely trenching on the letter of the law of Sunday observance, one short and simple rule may perhaps be safely suggested, which each one will not find it difficult in the exercise of a conscientious discretion to apply;—that no recreation should be indulged in which in its nature is inconsistent with the sacred character of the day, and that recreation of even a becoming nature should not occupy

such an extent of time as to interfere with the duties of the day.

One word more as to a mistake on this question into which some English Protestants fall. Owing perhaps to their limited range of vision and the coloured medium through which they habitually look, they wrap themselves up in the comfortable assurance that they alone properly observe the Sabbath, and thank God that they are not like those Catholics and Sabbath breakers abroad. It is lamentably true that many Catholics (and also many Protestants) in many, perhaps in all countries, neglect the proper observance of the Sunday, and commit we fear many other offences against God Almighty. The mistake of some English Protestants is to suppose that this is peculiar to Catholics. They go to Paris, perhaps the least really Catholic of any nominally Catholic city in the world, and thence draw incorrect conclusions from insufficient premisses. Let them extend their travels into Protestant Germany and Protestant Sweden, and they would very soon be disabused of the notion that non-observance of the Sunday is a Catholic peculiarity.

A recent Protestant traveller, Forbes we think it was, remarks that it is easy in passing through those parts of Germany where Protestant and Catholic districts alternate, to know when you are in a Protestant and when in a Catholic parish, from the more religious observance of the Sunday, which is remarkable in the Catholic parishes. And as one indication of the state of things in Protestant Sweden, we distinctly recollect that, about a couple of years ago, when a mercantile case was being tried before Lord Campbell, and the question turned upon the presentation of a bill of lading or bill of exchange or some such document to a Swedish merchant at his counting house, or ordinary place of business in *Elsinore on the Sunday*; His lordship, before the evidence was gone into said, it must be assumed that in no Christian country could it be legally requisite to do such an act of ordinary business on the Sunday: but to his lordship's surprise, Captains of English vessels and other witnesses were examined and proved that the countinghouses and such places of business in *Elsinore* were regularly open on the Sunday, and that bills were presented and other such business ordinarily transacted there upon the Sunday, and the English judge and jury were consequently obliged to decide that the

document in question ought to have been presented on that day, in accordance with the custom of that country. We have just adverted to these circumstances, in order to shew those of our countrymen who are impressed with the belief that Protestants are distinguished by the observance and Catholics by the neglect of the Sunday, from what narrow and delusive premisses they have drawn their mistaken conclusion.

P. S.—Since we concluded the foregoing remarks, we have observed in a posthumous work of Dr. Arnold's, a remarkable illustration of our argument. In "A Fragment on the Church," by the late head master of Rugby School, he enters, in the third chapter, into arguments from the early Fathers, but commences that chapter with the following remarks.

"The chapter which I am now going to write is, in truth, superfluous. Nay, although its particular object were proved ever so fully, yet this would be a less gain than loss, if any were by the nature of the argument encouraged to believe that we are to seek for our knowledge of Christianity anywhere else but in the Scriptures. What we find there is a part of Christianity, whether recognized as such or no in after ages; *what we do not find there is no part of Christianity*, however early or general, may have been the attempts to interpolate it. If this be not so, we must change our religion and our Master; we can be no longer Christians, servants of Christ, instructed by Him and His own apostles; but Alexandrians, Syrianists, Asianists, following the notions which happened to prevail in the Church according to the preponderance of particular local or temporary influences, and following as our master, neither the wisdom of God, nor even the wisdom of man, but the opinions of a time and state of society whose inferiority in all other respects, is acknowledged,—and the guidance of individuals, not one of whom approaches nearly to that greatness which in the case of the great Greek philosophers, made an implicit veneration for their decisions in some degree excusable.

"If it could be shown that the unanimous voice of men, eminent alike for goodness and for wisdom, had from the earliest times insisted upon some doctrine or practice, not taught or commanded in the New Testament, as an essential part of Christianity; if it should appear that this doctrine or practice were in no way favourable to their own importance or interest; and if it could be shown also, that it was not in accordance with the way of thinking prevalent in their age and country, but would have commended itself to their minds by nothing but its intrinsic excellence, then,

indeed, the doctrine might be concluded to be reasonable, and the practice good ; but the omission of all notice of them by our Lord and His apostles, would be a fact so unaccountable and so staggering, that the triumph of ecclesiastical tradition would be the destruction of all well-grounded faith in the authenticity of our records of Christianity, nay, it would involve in the most painful uncertainty, the very truth of the Christian revelation."

We do not find in the Scriptures any authority for the religious observance of the Sunday instead of Saturday ; therefore, according to Dr. Arnold, *this is no part of Christianity*. If, on the other hand, the religious observance of the Sunday be an essential part of Christianity, such a "triumph of ecclesiastical tradition" would, according to Dr. Arnold's argument, be "the destruction of all well-grounded faith in the authenticity of our records of Christianity, nay, would involve in the most painful uncertainty, the very truth of Christian revelation."

In this case, the value of the testimony of the early Fathers does not depend, as Dr. Arnold seems to suppose, upon their comparative wisdom ; they are simply *Witnesses to a fact*; that fact being, that they who taught them Christianity taught them the religious observance of the Sunday as part of it. But those early witnesses who thus prove the religious observance of the Sunday to be a part of Christianity, equally prove all the other doctrines and practices of the Catholic Church to be a part of Christianity. Protestants must therefore be content either to carry out their principles to their necessary result by abandoning the religious observance of the Sunday, or they must adopt, along with its religious observance, all the doctrines and practices of the Catholic Church.

ART. II—*The Voice of the Last Prophet, a practical Interpretation of the Apocalypse.* By the Rev. Edward Huntingford, D. C. L. late Fellow of New College, Oxford. London: Skeffington, 1858.

SOMEWHERE in his Letters the late Dr. Arnold remarked that most Protestant interpretations of Prophecy with respect to the Papacy, displayed great absurdity, simply through ignorance of history. And the fondness there is in this country for such interpretations no doubt arises from the fact, that in no country could history be worse known. There can be no question as to the fact. The parliamentary inquiries that have taken place within the last few years into the state of the universities and the learned professions, have made public and manifest the fact, that even the gentry of the country, those educated at Oxford and Cambridge, are in the present age lamentably ignorant of history. Nor is it the mere absence of knowledge. There is the presence of falsehood, the nursing-mother of prejudice: and the fault is not so much in the readers as in the writers of history. Since the reformation history in this country, more than in any other, has been infamously perverted to the purposes of vile fanaticism: and there are not wanting even Protestants intelligent enough to perceive, and candid enough to avow, the fact. Thus twenty-five years ago, the writers of that excellent series, the Cabinet Cyclopaedia, were not afraid to declare, that "modern writers, especially speaking of the Papacy, had almost always aimed at perverting the truth of history, and that in no country under heaven has this abominable dishonesty been so prevalent as in England."*

Nor was this mere general profession. The same writers, having shown that the Albigenes were the same as the ancient Manichees, and held tenets at variance with scripture and reason, and "which tended to subvert the very principles of human society,"† went on to quote contemporary authority to show that they taught that man is not accountable for any sins of lust (p. 295.); and then added in a note this biting observation: "We are

* History of the Germanic Empire, i. 147.

† Europe in the Middle Ages, i. 292.

fuller on this subject, as some doubt has been expressed—such is the ignorance of the age—whether we had authority for the character we gave of the Albigenses in the *History of Spain*” (vol. iv. p. 307). As this subject has an important bearing on the character and conduct of the Papacy, with regard both to the ancient Manichees and their mediæval imitators the Albigenses, we shall quote another sentence from the same writers, who went on then to urge as evidence that the Manichæan heresy had taken deep root in the south of France, the fact of the absolute identity of its tenets with those of the Albigenses (ib. 297.) and to speak of the morals of both as “reprobated by contemporary historians;” (ib.) they went on to say “that they rejected the essentials of christianity: that they were blasphemers, perhaps even idolaters,” “and that since their morals were as lax as their doctrines were abominable, morality could scarcely exist with such opinions.” Nor was this all.

“It was the duty of the civil power to put them down;” not, it was said, by fire and sword, but by persuasion: a queer weapon for the civil power to employ; and it was immediately added “if these failed they might have been banished.” Then they proceed to lament that Protestant writers should incline to this sect. And then followed this remark: “It would surprise us if we did not know that it is easier to utter preconsidered opinions than to wade through hundreds of folios.” (ib.) Now the applicability of all this not only in a general way but more particularly to the matter in hand will be seen, when we remind our readers that the favourite Protestant interpretation of prophecy is to identify Papal Rome as the persecutor of the Saints on account of its efforts to suppress the Albigenses.

Elsewhere the same writers take occasion to exhibit the root of this evil,—the ignorance of our own age. “In Roman Catholic countries not even the lowest are debarred from the most liberal education. Reflect on this, ye Protestant trustees of grammar schools, ye Protestant heads of our universities, ye bishops of the Church of England!” (ib. 237.) We have often thought that it must have been the design of those who framed the system of education so long established in this country, to exclude historical knowledge as much as possible, especially such as related to the Church. Certainly if this had been their object, it could not have been carried out more thoroughly than it

has been down to the present time, as our Protestant works on prophecy and papacy abundantly display.

Now two cardinal errors, resulting from this ignorance of history, pervade the works of most modern writers with reference to the Papacy. The one is to overlook the entire *consistency* of the conduct of the Papacy, the other is to confound the conduct of Popes with that of princes or prelates. The perfect consistency of the pretensions of the Popes in every age is alone enough to establish the authority of the Papacy, since all writers admit the sanctity of the Popes in the earlier ages. Thus the writers already quoted declare frankly that the bishop of Rome was, so early as the second century, acknowledged as head of the Church universal, and add, "This fact cannot be controverted; it has been acknowledged from the time of Irenæus and Cyprian, whose works contain abundant evidence of the spiritual supremacy of the Popes."^{*}

This as Protestant testimony may suffice; and Tytler mentions St. Peter as "the first Pope." Alas! would that all Protestant testimony were equally truthful. It is sad to see that, in the mouths of the majority of Protestants it is for the most part false, and that in our own time bigotry appears not less eager than in any former to falsify the truth of history. In the little work,[†] the title of which we have placed at the head of this article, as an illustration of the pervading ideas on the subject of the Papacy, we find this passage, "It is a painfully interesting study to trace the downward course of the Minister of Christ;" (i.e. the Pope;—an unconscious confession.) "First we find him, in the earlier centuries, trampling the idols of pagan Rome, or nourishing with a martyr's blood the bare roots of the infant Church. Next we behold him, in the ages following the era of Constantine, grasping with impetuous zeal the sword of civil power, and plunging it into the bosom of those who bear the name of Christian."[‡]

^{*} Europe in the Middle Ages, i. 143.

[†] We do not propose to deal with the Apocalyptic question either theologically or in the way of interpretation. Were we to deal with so wide a subject, we should draw attention to a recent American Catholic Publication, entitled, "Exposition of the Apocalypse, by a Secular Priest." Boston, 1858.

[‡] Dr. Huntingford's "Voice of the Last Prophet," p. 62.

In "the *ages* following the era of Constantine !" It must have been *very* soon after ; for elsewhere the same Protestant clergyman quotes Bingham (Ecc. Hist. B. xvi. c. vi. s. 6,) to show that the punishment of death for heresy was rendered legal by Theodosius as early as the year A.D. 382, i.e., about half a century after Constantine, and he quotes this as the act of "the Bishop of Rome and his creatures."* The passage in Bingham runs thus: "Finally, in some special cases they were terrified by sanguinary laws, which made them liable to death, though by the connivance of the princes, or the *intercession of the Church*, they were rarely put in execution against them." And these special cases were those of the Manichees, Montanists, or Donatists, heretics whose acts or tenets were subversive of morality and dangerous to society.

The truth of history tells us that the laws of Valentinian and Theodosius were directed not against heresy, but against disturbers of society and violators of morality. And now our readers will see why we started with some Protestant testimony to the truth of history on this very subject. We have cited Protestant testimony as to the Manichees, to the effect, that "it was necessary for the civil power to put them down." However these edicts of the emperors are quoted against the Popes, to prove that within fifty years they became changed from meek martyrs to merciless persecutors ! But what reason is there to identify the Popes with the emperors ? This is the fallacy which pervades the Protestant view of history. It persists in making the Popes responsible for the acts of princes. As if princes had always been docile to the Popes ! instead of being too often their enemies and oppressors.

The Popes might truly say, in every age, "We wrestle against principalities and powers." Does our author forget how the tyranny and cruelty of Theodosius horrified St. Ambrose ? And how the saint marked his sense of it, by excluding the emperor from the altar ? If a Pope had done it we should have heard of the tyranny, not of the emperor but of the Pontiff ! As it is, St. Ambrose is venerated for his conduct on the occasion even by the very men who traduce the Papacy for usurpation. Yet what did Boniface VIII. do beyond what St. Ambrose then

* Ib. p. 205.

did? He did but excommunicate a tyrant. St. Ambrose actually thrust him from the doors of the church. In the one case there was a personal offence to royalty, in the other only a spiritual sentence at which the tyrant could scoff. "My master," said his minion to the Pontiff, "wields a real sword; yours is only spiritual!"

It was the same sword which had been borne by Gelasius, and wielded by the first Innocent not less than by the Third. Popes Gelasius and Symmachus laid down the grand idea of the subordination of temporal power to spiritual as clearly as did Boniface with his celebrated Bull. We have spoken of the consistency of the Popes. In every age, on every subject, their language and their conduct are the same. Take, for instance, the case of the Manichees, and the conduct of the Popes towards them and their successors. "That there have been Manichæans at all times in the Western Church is known (say the writers already referred to,) to every reader of history. In 443, St. Leo discovered in the capital hundreds whom the Vandals had expelled from Africa, and whom he also banished. His example was imitated by Gelasius, (A.D. 492-496,) by Symmachus, (A.D. 498-514,) and by Hormisdas, (A.D. 514-523.)* Mark, that the same writers had previously declared that the civil power was bound to put these fanatics down or banish them, which is just what they represent the Popes as doing, (though the Popes were not then rulers in Rome,) and in the opinion of these Protestant writers, properly doing. Yet it is for this that the Protestant clergyman we have quoted actually stigmatizes the Popes as persecutors of Christians! "We behold them in the ages following the era of Constantine grasping the sword of the civil power, and plunging it into the breasts of Christians!"† The utmost that can be truly alleged against the Pontiffs in those ages was that they would have banished a set of heretics, whose tenets are described by Protestants as immoral, and tending to disturb and subvert society!

Of writers who can thus distort history it is easy to conceive how they will interpret prophecy! It is in fact only by blinding themselves to the truth of history that they

* Europe in the Middle Ages, i. 298.

† Voice of Prophecy, p. 62.

can lend themselves to the insensate ravings which they substitute for prophecy. The theory that the Papacy was in a course of corruption and a career of worldly ambition, is as false when applied to the ages after Constantine as before, and could never have been started except by men so ignorant of history as not to be aware that all the Pontiffs, from the age of Constantine to the time of Charlemagne, were men of *unquestioned* piety. The common notion that the Pontiffs before the age of Constantine were all poor and pious, and afterwards became rich and corrupt, is simply a vulgar error.

Neither was their wealth all after that age nor their piety all before it. The Pontiffs had wealth and influence before the time of Constantine, and their piety became only the more conspicuous as their influence became greater and their position loftier. The first impulse of the piety of the faithful neophytes, as we read in the Acts, was to lay their wealth at the feet of Peter; and if they at first sold their lands and houses, and gave the proceeds, it was only to avoid the confiscations of the heathen, and as soon as they could they gave the lands and houses. That this is so is clear; for so early as the time of Calistus the Christians had Churches in Rome, and the martyrdom of St. Laurence arose from his obeying the command of Pope Sixtus, to distribute the wealth of the Church of Rome among the poor, in order to escape the meditated rapacity of the prefect. Indeed, in an old chronicle it is stated that already the Roman Pontiff had been made the sole legatee of the Emperor Philip, so early as the middle of the third century; and that this vast bequest excited the cupidity of the prefect; and it is undoubted that the Church of Rome, even in that early age, was well supplied with wealth; so much so as from time to time to excite the cupidity of the heathen, and lead probably (as in the instance just quoted) to persecution, for the sake of confiscation. So far as private liberality could go, the Roman Church was richly endowed long before the end of the third century; and when it is borne in mind, that as early as the time of St. Paul, the converts were of "Cæsar's household," that in the time of Domitian they comprised relatives of the emperor, that the Emperor Philip is believed to have been a Christian, and that several of the heathen emperors were very much inclined to be so, and were deterred by the fear of popular

prejudices, (which clung to the old paganism until the sixth or seventh century), we can form an idea of the wealth probably possessed by the Roman Church before the age of Constantine. And it may be observed, that the real era of the liberation of the west from the yoke of heathen rule may probably be placed some years earlier than the first edict of Constantine (A.D. 311), or even his accession, (A.D. 305); for on the division of the empire, (A.D. 292), the west fell to the rule of Constantine and Maximian; the former of whom was favourable to Christianity, and neither of them enforced the Dioclesian edict against it, which was solely or chiefly confined to the Asiatic provinces of the empire; we remark this for a reason which will present itself soon, when we come to speak of the Protestant theory of prophecy. For the present we are taking a glance at history. And as regards the age anterior to Constantine, the simple truth is, that the piety of the pontiffs converted the emperors, and so led the way to the conversion of the empire; but it was not a piety associated, as is commonly supposed, with poverty; on the contrary, it was a gradual process, in which the progress of wealth went along with the progress of influence, both alike the fruits of their personal piety.

And so on the other hand, after the conversion of Constantine, though the wealth of the Pontiffs became greater and their position higher, their piety was only the more conspicuous and the more influential. The long pontificate of Sylvester was such as to show him no unworthy successor of St. Peter; it was marked, not only by the donation of the Lateran palace, but by the gift of vast domains, comprising the fairest and largest portion of Italy, and embracing eventually the city of Rome itself. We know the learned disputes that have arisen as to the famed donation by Constantine, but they relate rather to a particular parchment, whereas we are now speaking of the substance of the fact. It may be that a document shown ages afterwards, as evidence of the fact, may have been a copy; but the fact rests on evidence admitted by Protestant historians, and absolutely irrefragable.

And as the fact is very important with regard to its bearing on the after history of Italy, and entirely inconsistent with the absurd Protestant theory of prophecy, we will take the trouble to establish it upon testimony, Protestant enough, and sufficiently learned. We allude

to the authors of the *Universal History*, who state (vol. xxi. p. 652, note L.) that the Church of Rome acquired by degrees *numerous* patrimonies, and in Italy almost without number; in the Exarchate of Ravenna, in the Dukedom of Naples, in the territories of Salerno and Nola, in the provinces of Campania, Lucania, Calabria, Abruzzo, Liguria, and Tuscany. Now this is stated of the sixth century, and as Constantine relinquished Rome to the Pontiffs in the *fourth*, and no mention is made of any considerable donations in the interval; the inference is obvious, that the Emperor had relinquished to the Popes the imperial city, and the finest portions of Italy. The writers of the *Universal History* profess to be unable to account for his leaving Rome, and desire to ascribe it to mere disgust. But this disgust could hardly have extended to all succeeding Christian emperors; and these writers would have formed a juster idea of the reason of so remarkable a step on his part, had they coupled it with the fact they themselves establish, of the donation to the Pontiffs of so large a part of Italy.

The writers of that history admit (ib. note G.) that the Emperor, as Eusebius states, built a great number of churches, and supplied them *with vast riches*. Nor is this all. For it is added, that he exempted the Roman clergy from the payment of taxes and other burdens. And elsewhere the authors of that History state, what is not to be disputed, that the Roman Church had, in the time of Pope Gregory the Great, (in the sixth century,) large possessions already known by the title of St. Peter's patrimony, and as this must have been acquired sometime before that era, and no emperor but Constantine is mentioned as having made a donation of such a patrimony, it is reasonable to refer the acquisition of it to his grant, especially as, after that time the Emperor never resided in Rome, but relinquished it to the Popes. Gregory the Great, as the learned Butler states, "in his letters to his vicar in Sicily, and to the stewards of the Roman Church in Africa, Italy, and other places, (which appear to have included Sardinia,) recommended mildness and liberality towards his vassals and farmers. There are also extant orders of his to restore to the Jews certain synagogues which had been taken from them in Sardinia and Sicily, and likewise as to the sending of corn from Sicily to other parts of Italy in a time of famine." These

are facts, occurring, be it observed, in the sixth century, which equally prove the extent of territory possessed by the Roman Pontiffs, and their great wisdom, liberality and charity. It does not, however, appear that they had yet any kind of civil rule, although there are instances recorded in which the Emperors appear to have ordered the prefects or governors of Rome to obey the directions of the Pontiff. Absolute sovereignty certainly the Pontiffs had not, and the want of it was often illustrated. Thus, at the election of that most eminent Pontiff Damasus, an anti-pope was set up by a faction; and as the people resisted the attempts to force an impostor upon the Church, great slaughter ensued, the odium of which it was tried to throw upon the Pontiff; with as much truth, and justice, and reason, as it has been too often attempted to cast on the Popes the reproach of scandals caused by their enemies. Happily, in the case of Pope Damasus, the great Saint Jerome, whose venerable character is acknowledged by all Christians, was at Rome, to leave on record his testimony as to the facts, or the name of Pope Damasus might have come down to us in a cloud of calumny, as has happened to later Pontiffs not so fortunate. That great Pope's Pontificate lasted for twenty years, near the close of the fourth century; and Ammianus Marcellinus, the heathen historian, notices sarcastically the wealth of the Roman clergy, that fertile source of calumny, because of jealousy, among the enemies of the Roman See.

But Ammianus records another fact, which shows that the Roman Pontiffs were then, as they always have been, resolved that there should be no improper acquisition of wealth, if they could help it. With the assent, and as it seems, at the suggestion of the Pope and his secretary, St. Jerome, the Emperor passed an edict prohibiting priests from receiving gifts or bequests, from their penitents, or those who resorted to them for the purposes of spiritual direction;—a wise and salutary law, which only reflects the spirit of the Holy See upon this delicate subject, as exemplified in every age, either in its own instructions, or those of the saints or spiritual writers it has most highly honoured and approved. Neither let it be forgotten that the possessions of the Holy See itself had been acquired by the noblest of all titles, the voluntary donations of those whose respect and veneration they had won by their conduct and character. Free from all suspicion of

reproach itself, it could justly do its utmost to provide that the clergy should be free from such suspicion. And its utmost it did do. It could do no more than procure an edict to be enacted upon the subject, distinctly rendering void any donations obtained by priests in their character of spiritual directors. If there were any of the Roman clergy who lived in luxury, they could not be absolutely prevented, except by the exercise of rights of sovereignty, which the Popes did not possess, and which, had they possessed, they could not have exercised upon matters merely sumptuary, without incurring the reproach of tyranny. In the fifth century we find Papal edicts enforced by the civil power, but this was only so long as the civil power pleased, and the Greek emperors were generally heretical or schismatical. And sumptuary laws are of all the most open to objection and the most difficult to enforce.

That the character of the Pope was venerable, and won the respect as much of the barbarian invaders as of the Roman rulers, is shown in the most striking manner. When the Goths took Rome under Pope Innocent I., they respected St. Peter's. And Attila, at the head of his Huns, was deterred from attacking the Eternal City by the remonstrances of the venerable Leo. So when Genserich, the Vandal, sacked the city, the intercession and eloquence of Leo obtained from him a promise to spare the multitude and protect the buildings; and undoubtedly churches were saved. From the time of Pope Simplicius we find the Popes remonstrating against the oppressions of the imperial officers, who scourged the people worse than the barbarians. Those imbecile tyrants, the Greek emperors, were, as we have seen, constantly engaged in persecuting the Popes instead of protecting their subjects. Pope after Pope was dragged to prison, to exile, and to death, by these nominal sovereigns and the sword of Totila, the Goth, avenged upon Justinian his outrages against Christ's vicars. Still the Popes were loyal to their persecutors; and Gibbon states that Justinian was roused to the conquest of Italy by the adjuration of Pope Vigilius, the very Pontiff whom he had sent into exile. But the Popes were then, as ever they have been, enemies to tyranny, and the great Gregory remonstrated, as other Pontiffs had done, against the oppressions of the emperor's satellites. At that time, it will be borne in mind, as stated

above, the Roman See held patrimonies including not only Romagna, but Ravenna, Liguria, Istria, Dalmatia, Illyricum, Sardinia, and Corsica, all ruled by Papal vicars. Thus while the Greek emperors were objects of contempt, the Popes were acquiring respect. The writers of the *Universal History* state that to John VI., the Pope whom the Romans rose to defend, Aripert, king of the Lombards, restored territory in Lombardy belonging to the Holy See. Gregory II., who repaired the ravages which the barbarians had made in Rome, and restrained the violence of the imperial satellites, was engaged in a struggle with the emperor on the subject of the Iconoclast heresy. The emperor sent emissaries to depose and destroy him, but the Lombards joined with the Romans and repulsed the exarch. The emperor then seized the Papal patrimony, but the people defended it. The next Pope, the third Gregory, was engaged in the same struggle. The emperor sent assassins to murder him, but the people defended him. And now "the Romans, provoked against Leo, and unwilling to live under the Lombards, resolved to revolt, and to keep themselves under the Pope." So runs the *Universal History*. But the Greek writers say that they took the Pope as prince. And no prince ever acquired dominion by a purer, loftier, or better title. Not only was it a free national election, but an election founded not upon popular caprice, but on the experience of ages. The virtues and abilities of the Pontiffs, which had won the respect of the pagan emperors, and had conciliated the barbarian invaders, had now so acquired the confidence of the Roman people, that they insisted on having the Popes as rulers. This, however, although an ample title to dominion, would not of itself have been a sufficient justification for assuming temporal sovereignty, and it is obvious that the Popes assumed it as now necessarily incident to the free exercise of their spiritual supremacy. It was impossible to exercise that supremacy in bondage or in exile; and martyrdoms of Popes had been frequent enough to impress all the world with the fullest belief in their integrity and sincerity. The very veneration in which they were held had gained them the dominion they accepted. The territory they had long possessed: they were now called to sovereignty, and they had found, by the experience of centuries, that it was essential in order to exercise their supremacy. From the beginning of the eighth century they had the double

character of spiritual and temporal rulers, the temporal incident to the spiritual. Already they were appealed to as the arbiters of nations. Pope Zachary was thus referred to by Pepin and the French nation, and some writers suggest that his decision was influenced by his desire to obtain their aid against the Lombards: a complete mistake, for it happens that the Lombard king had a great veneration for Zachary, and made a treaty with him, assuring him his territory. It was Pope Stephen II., who, nearly twenty years afterwards, resorted to Pepin for aid against another Lombard king, Astolphus, who coveted the Papal territory; and Pope Paul I. sought his aid against Desiderius, the brutal king who put out the eyes of a Papal legate. We see, then, how false is the common notion, that the Papal sovereignty was founded on the grant of Pepin or Charlemagne, or that it was a corruption, or an impure acquisition of the Papacy. Pepin and Charlemagne only restored what had long before been acquired by the noblest of titles, the free choice of a grateful people, and had been accepted for the purest of reasons, the free and independent exercise of the spiritual supremacy of Christ's vicars. The restitution of Charlemagne to Pope Adrian, comprised Romagna, Benevento (i. e. modern Naples), Spoleto, Mantua, Tuscany, and Sicily,—less than the Papacy had in the time of Gregory or Zachary. And the authors of the *Universal History* state (vol. 25, p. 293, n. B.) that two centuries later, the Pope had Rome with its territory, Ravenna with the exarchate, the dukedom of Spoleto, with the marquisate of Ancona, i. e. less than they had in the time of Pope Adrian. It is of the utmost importance to observe what the territories were to which the Popes were entitled, in order to do justice to their subsequent history. And it is to be observed, that, so far from "encroaching," according to the vulgar notion, they were continually losing, as we shall see.

These views have a bearing upon prophecy, and destroy the whole fabric of the Protestant theory which applies the apocalyptic predictions to the Papacy. And here let us quote from the "Voice of the Last Prophet," under the two sections (pp. 192, 193.) "The Beast and his Horns;" "The Pope is not the Beast." "Who, then," the author asks, "is the historical representative of the beast during that period of history when the ten horns are represented

as crowned, that is, as reigning?" "The majority of Protestant commentators," says our author, "answer, without hesitation, the Papacy, or the Pope. But this cannot be, for it involves the most palpable contradiction, and leads them into a difficulty which some of them do not observe, others pass over in silence, and the rest attempt to solve by the most flimsy subterfuges. These writers unanimously interpret Babylon to mean the Papacy, and they are right." Query; for if so, what did St. Peter mean when he dated his epistle from Babylon, clearly meaning Rome? But if this be the case, "the beast cannot possibly represent the Papacy, for together with his ten horns he destroys Babylon." So the Papacy is not the beast with seven heads and ten horns. But there is a second symbolical beast with two horns, and of this the author says, "The historical representative of this allegorical symbol, is the Bishop of Rome, from about the eighth or ninth century," at which era, as Stephen Pasquier, a Gallican writer, admits, and as Gosselin has more lately shown, the Popes were, if ever, remarkable for virtue and piety, not less than for ability. It is, indeed, notorious among persons even slightly acquainted with history, that it was the contrast of their virtues with the weakness and the vices of the Greek Emperor, which led to the sovereignty of Rome being forced upon them. The uncertainty of the author as to the period at which he shall fix the depravation of the Papacy, is very observable; and yet he does not escape the most glaring inconsistency with history. First it was the Popes "in the ages after Constantine, who became corrupt;" then the period is thrown forward as far as "the eighth or ninth century." And why then? Because Charlemagne was then crowned Emperor by Pope Leo; and this the author considers was a restoration of the ancient Roman Empire for the support of the Papacy, and so answered to the symbol of the "image of the first beast." But then the empire was not reestablished in Charlemagne; it fell to pieces upon his death; in Guizot may be seen a learned discussion upon the causes of so remarkable a dissolution, and the Carolingian dynasty scarce lingered out a century of a very weak and nominal sovereignty in Italy. And, on the other hand, the Papacy had been, as we have seen, firmly established, not merely in its spiritual supremacy, but in its territorial dignity, long before the time of Charlemagne,

or even of Pepin. Ere ever Pepin was crowned in France, the Pontiff had received from a Lombard king, a *restoration* (mark) of territory attached to the Holy See, some say ever since the time of Constantine, and so says Scipio Ammiratus, whom the writers of the *Universal History* call an "exact" historian. That is to say, then, so well established was the Papal title to Rome and a large portion of Italy, that not only had Alaric and his Goths, and Attila and his Huns, and Genserik and his Vandals, spared the eternal city, either wholly or in part, out of regard for Christ's vicars; but the Lombard kings, at the zenith of their power, respected the Papal title, even to territories they had seized. Historians marvel that Alboin, that first and fiercest invader of that barbarian race, never attempted to seize Rome, as he easily might have done. But this was no marvel. He was awed, as Attila had been before him, by the majesty of that dignity which seemed to consecrate Christ's Vicar even in barbarian eyes. The piety of the Pontiffs, which had converted the Roman emperors, had awed and softened the barbarian chiefs. The world never saw a sublimer moral triumph. And yielding to the same mysterious influence, Aripert, king of the Lombards, in the sixth century, (the fact is stated, as we have seen, in the *Universal History*,) restored to Pope John VI. certain territory in Lombardy.

Now observe the force of this simple fact, as showing the moral power of the Papacy even at that early period in those turbulent times, and also as showing the absurdity of the theory that Charlemagne, or Pepin, established the Papacy in its temporal dignity. Why this was before Pepin was king. And that very Pope Zachary who virtually made him king, was so respected by the Lombards, that their king, at his suggestion, entered a religious life. The fact that the Franks should have bowed to his opinion as to giving the sovereignty to Pepin, shows how they revered the Pontiff.

The Papacy then had nothing to gain, from Lombard or from Frank, in the way of territory, title, or dignity. It could confer title and dignity, and conferred both upon Pepin and upon Charlemagne; and as the reward of protection received from those powers. It was not that the empire, even if it had been restored in Charlemagne, was restored for the protection of the Papacy, but as the reward of that protection. Still less was it for

the establishment of the Papacy in its temporal dignity. That had already been established, and was far older than the reign of Lombard or of Frank.

But, as we have seen, although Charlemagne was crowned Emperor, yet it was not in his person or dynasty, that the Emperor was restored. His empire sank with him, and scarcely can be said to have endured the divided sway of his degenerate race. And our author, conscious of this difficulty in his theory, seeks to provide for it thus. He represents the assumption of the Empire, in the middle of the *tenth* century, as a "continuation" of its restoration in Charlemagne! Why what can be looser or more erroneous! Charlemagne a Frank, Otho a Saxon, their dynasties and races altogether different; an interval of two centuries between them during which the Empire had been in abeyance! What an idea of a "continuation!" At the time Otho marched into Italy, the Carlovingian dynasty had disappeared. Two remote descendants of Charlemagne had long been struggling for supremacy in Italy, and it was against them that Otho marched.

But there is a more important point overlooked by our interpreter of prophecy, which lies at the very basis of his whole theory about the Papacy. That theory is, that Otho's Empire was in its character, as regards the Papacy, similar to that of Charlemagne. Now nothing could be more contrary to history! Otho, as Protestant writers plainly declare, marched into Italy, pretending to aid the Pope, but really with the view of conquering Italy and seizing Rome. And having received the Imperial Crown from Pope John XII., and sworn to protect his sovereignty, he no sooner found himself in possession of the Empire, than he sought to oust the Pope, deposed him by force, and eventually had him murdered, and substituted a creature of his own, whom all writers, Catholic and Protestant, perceive to have been no Pope at all, but a mere impostor, usurper, or pretender. Now this was supporting the Papacy with a vengeance. It was rather seeking to subjugate, subvert, and destroy it, and it was doing all that could be done to destroy it. The second Otho, surnamed the "Sanguinary," from the atrocity of his deeds, continued the same course of tyranny; which was carried on by all the Emperors, of the Saxon, Franconian, or Swabian dynasties. Need we do more than remind our readers of the terrible struggle carried on by the Pontiffs with Emperors,

with Henry IV., and the two Fredericks? It was a struggle for the very existence of the Papacy, in the course of which Popes were exiled, assaulted, and murdered, and is it not doing violence to history and truth, to represent a succession of dynasties thus engaged in bitter hostility to the Papacy, as identified with it, and as representing a power existing for its suppression? Yet this is the theory which makes the Empire the bulwark of the Papacy!

Even as to Charlemagne, we protest against the Papacy being considered as identified with him. We have already glanced at the gross fallacy which pervades most Protestant writers on the Papacy, of confounding the acts of princes and of Popes; as if all princes made the will and wishes of the Pontiffs their rule of action, so that their conduct must truly represent the character of the Papacy. We have shown the absurdity of this in the instance of Theodosius; let us exhibit the fallacy again in the case of Charlemagne. "The Merovingian kings scrupled not to usurp the right of nominating bishops to vacant sees. * * Under the Carlovingians we find a return to the same abuse, an abuse more *frequently exercised* by them than by their predecessors. The truth is, that the right and the fact were at variance with each other, and the contention ended just as we might expect it to end, where all the real power was on one side. So well was the system established, so hopeless were the Popes of extirpating the abuse, that we have two applications from two of them to Charlemagne and Lothaire, requesting vacant sees for such clergymen as they humbly recommended to the emperors. Thus we find that Charlemagne exercised an uncontrolled influence over the elections."* This is a *candid* Protestant account of the Carlovingian empire, which our interpreter of prophecy describes as the great bulwark of Papacy. He is not very fair to Charlemagne, by the bye; he represents him as coercing the Saxons by the sword. But Guizot shows that his wars with them were really *defensive*; and the writers we have referred to describe them in a similar way. But the important point is, how far the Carlovingians were docile to the Papacy, so as to make it responsible for their acts. And as to

* Europe in the Middle Ages, vol. ii. p. 154.

that, it is surely sufficient to say that they did not even allow to the Pope the appointments to the episcopate, and in the annals of Germany we meet with frequent complaints of bishops being chosen by the will of the king.

"In 836 the council of Aix la Chapelle besought the Emperor Louis that he would in future use his influence on behalf of a proper candidate, that religion might not suffer. The truth is, that the evil continued to flourish, that it even acquired augmented vigour until the efforts of Gregory VII."^{*} We purposely quote Protestant writers, and what do they say of Otho I., whose rule is represented as a continuation of the revival of the Roman Empire in favour of the Papacy? "His policy was to reduce the Holy See to dependence on his throne." (ib. 112.) The same writer adds, "His acquisition of the crown was a curse to Germany." His son, we have already mentioned, was justly surnamed the sanguinary; his reign is described as short and troubled, and so was the rule of his dynasty, which was extinct in the first quarter of the next century. And what of the next? Had our interpreter forgotten Henry IV. and his reign of half a century, one long struggle with the Papacy:—a struggle for its very destruction? "With Henry IV. commenced the interminable war of the investitures, which during about two centuries convulsed the Christian world. That the Pope was perfectly justified in seeking to deprive the Emperor of an usurped right of filling, through corruption or court favour, Ecclesiastical dignities with the weakest and most vicious of men, cannot be denied. Had not the Holy See interposed, religion itself would have been attached to the imperial car, and from a ruling power, converted into a slave. All the princes of Europe would have imitated the conduct of Henry; in fact by some, by our William Rufus among the rest, it was imitated; others were only waiting for the discomfiture of the Pope, to seize on the revenues and entire administration of the Church. "Had the Emperor triumphed, the regal and sacerdotal characters would have been united; and Christianity would not have been at all superior to the religion of pagan Rome or Tibet."[†] "Well was it in Europe that the chair of St. Peter was at this time

^{*} History of the Germanic Empire, vol. ii. p. 73.

[†] Ibid., p. 144.

filled by a man of such commanding talents, such unbending character, as Gregory VII.; well was it for religion that in the tremendous struggle he conquered." (ibidem).

Now what we want the reader to bear in mind is, that the latest and most enlightened Oxford 'view' of prophecy regarding the Papacy, is this; "that this Germanic Empire not merely was a "Beast;" and a great beast; if that were all we should not quarrel with the view: it was a beast, and a fierce, savage and ferocious beast; but the Oxford view is that it was a 'beast' in league with the Papacy, and on which the Papacy depended for support! Our object has been to bring out the absurdity of this 'view' by a simple reference to history, and to a Protestant version of history; but a version given by writers more learned, candid and intelligent than our modern clerical interpreters of prophecy, whom we advise to eschew prophecy and betake themselves to plain history. It is only by perverting the facts of history that they gain currency for their prophecies, which could only be received in a country too grossly ignorant of history to detect their absurdity. Here is the secret of the popularity of these anti-papal views of prophecy. They could only pass current among people ignorant of history; for history gives them the lie, and a knowledge of it would inspire their readers only with contempt for the impositions attempted upon them.

It may, or may not be, that the assumed revival of the Roman Empire by Otho I., (A.D. 960-972,) was symbolized by the "second beast" of the Apocalypse, the beast with "two horns like a lamb," and which revived the power of the "former beast," i.e., of the Pagan Roman Empire. But the strongest reason for thinking that it is so is the fact that the aim of Otho was the same as that of the old Pagan Empire, viz., to subvert and destroy the Papacy. And it is a curious circumstance that the "number of the second beast," 666, may be made out to be the number of years which elapsed between the virtual cessation of the hostility of the old Roman (or western) Empire against Christianity, and Otho's dethronement of the Pope. (A.D. 290-305.) Of course the calculation must vary according as we take one date or another for the event which is its starting point, or its close; but the possibility of it is at least worth mentioning, if only to show that a Catholic writer has no reason at all to shrink from the

supposition. For history shows, as we have seen, that the German Empire was ever hostile to the Papacy; so that if that empire were the "beast," the Papacy can scarcely be in any way associated with it, but on the contrary; and the prophetic view tells in favour of the Papacy, seeing that there has ever been enmity between it and the beast; that enmity which our Lord predicted should ever be between His Church and the world.

During the three centuries which elapsed between the age of Otho and of Rodolf of Hapsburg, there was one continued struggle between the Papacy and the Empire. And the theory which supposes princes docile to popes and makes, therefore, the Papacy responsible for their acts, is falsified by the whole history of that period. The piety of a St. Henry or a St. Louis, only formed exceptions to the general rule of royal rebelliousness and self-will; and the very piety of princes proved, as in those very instances, hardly less injurious to the Papacy, by winning from it concessions afterwards turned against it as claims of right. Thus, it was that (as Guizot takes care to tell us,) the 'Pragmatic Sanction' conceded to St. Louis, was made the basis of Gallicanism. And at the very era when, by the accession of Rodolf of Hapsburg, the terrific contest with the German Empire, seemed closed, the French monarchy was preparing for that struggle with the Holy See, which led to results so disastrous.

It was in the period to which we have referred, that the Albigenses began to disturb Europe; and we have seen that even Protestant writers represent them as practising tenets subversive of morality, and that it was the duty of sovereigns to banish them. Our author, among the marks of the beast, which he professes to find in the Papacy, mentions (as usual) the Papal *persecutions* in the middle ages. But he has not cited, and would find it impossible to cite, any Papal authority for the use of arms, except as defensive weapons against those actually in arms, for the purposes of outrage and of violence. Nor has he cited any contemporary authority identifying the Pope with the acts of the French king, or of Simon de Montfort. If they used their arms for the purpose only of expelling the Albigenses, then we have seen that Protestant authorities would vindicate them; but we doubt whether even to that extent the Papal authority could be proved. If, again, they inflicted retaliatory massacre upon

those who had been in arms as rebels, and had perpetrated the most atrocious outrages, as the Albigenses most certainly had done, it would be difficult, according to Protestant principles and maxims, to prove them to have been wrong, but impossible to adduce Papal authority for their acts. The Papal weapons were those which St. Dominic and St. Francis employed, prayer and preaching; and we challenge those who prophecy against the Papacy to produce any contemporary authority to show that the Popes ever countenanced the use of force, save to protect the faithful from the outrages of those mediæval Manichees.

To pretend that they were merely persecuted for opinion is either gross ignorance or very culpable hypocrisy. The Protestant authorities we have cited show this. And to pretend that anywhere in any age the Papacy has sanctioned the use of force against heretical opinions, is to assert what is utterly without foundation in history. Moreover, it is idle to identify the Papacy with the acts of such men as Simon de Montfort or Philip of France, who were strongly disaffected to the Papacy, and disinclined to allow it any interference with civil affairs. As to Simon de Montfort, for instance, he was the bosom friend of Grostete, the celebrated Bishop of Lincoln, whose feelings towards the Papacy were the reverse of loyal, and who, like most of the prelates and all the princes of that age, regarded it with narrow-minded jealousy and ill-concealed aversion. Philip the Fair was about to reign; the terrible struggle with Boniface VIII. was about to break out; a sad schism was "looming in the dim obscure," and in an age when a Pope was not safe from outrage when seated in his sacred chair, it is too much to make him answer for the conduct of all Europe.

The truth is, (as was shown in our recent article on the German Mystics,) during all this period the power of the world was working in the Church for that apostasy from the Papacy which cursed Europe in the fifteenth century; the authority of the Papacy was almost destroyed by the schism in it caused by the anti-popes set up by France; the age in which Wickliffe was encouraged by an English prince, was the age in which fanaticism was patronized by an emperor, and it was the personal vices of the infamous Wenceslaus, not his rebelliousness to Rome, which procured his deposition. A "beast" no doubt he was, but it would be simple folly to identify him with the Papacy; not more

so than to ascribe to it the persecution of the Lollards in England, which took place under a statute passed by an anti-Papal parliament, purely from a dread of danger to property and society from the levelling doctrines of the sectaries, but which, of course, our author would include in the number of "persecutions" by the Papacy, just as he would probably the burning of Huss, which took place with the sanction of the then schismatical council of Constance, at that time irregularly assembled under the auspices of an anti-pope, set up by the emperor. The true Pope, Gregory, was then an exile; and it was afterwards that he was solemnly acknowledged by the council, so that the Papacy has as much to do with the burning of Huss as it had with the heresies of Wickliffe or the vices of Wenceslaus. Nevertheless, through simple ignorance of history, all these things are set down against the Papacy.

From the age of Otho to the age of Charles V., whose troops sacked Rome, and who, as Ranke says, tampered with heresy the better to cripple the Pope, the object of the empire was to subdue Italy, and therefore it was hostile to the Papacy. And its attitude of antagonism to Rome has not been abandoned by the "Holy Roman" empire until the present age. From the time of Charlemagne the power of the Papacy was constantly retrograding in Europe, which is directly contrary to the Protestant theory of prophecy. That earthly power which our author supposes to have been the origin or parent of the Papacy has ever been its deadly enemy, and has, in the person of almost every emperor and every prince, been seeking to subvert and to destroy it. It is because Rome has always had the enmity of earthly power that it has had through so many ages such dire encounters to sustain; and this is at once the source of its trials and the secret of its strength. Had it yielded to earthly power, it might indeed have secured its wealth and rank, escaped the hostility of princes, and the calumnies of their flatterers and tools. Alas! in the history of the Popes the words of their Divine Master has been sadly realized, "a man's foes shall be they of his own house." It is in the household of the Church that their deadliest enemies have arisen, and that it is which has made their animosity at once more cruel and more effectual. Those who are *without* of course readily adopt the calumnies of those who are *within*, and are eager to throw upon the Chief of the Church the odium

of his rebellious children's acts. It may be forgiven to strangers that they do not do that justice to the Vicar of Christ which his own subjects have too often failed to do him. And our author, who is evidently an amiable and charitably-minded man, if he made himself more acquainted with the character and conduct of the Popes, would shudder at the idea of applying to them the awful imagery of prophecy.

In (what we hope to be excused for calling) that most masterly article to which we have already referred, (*The German Mystics in the Middle Ages*), it was shown how easily, and, alas! how long, the whole Franciscan order got into an attitude of antagonism to the Holy See. As the writer of that article so well observed, if the Papacy could not rely on the order of St. Francis, what could it depend upon? Alas! all things failed it in that dismal age—the very age in which it is ignorantly supposed to have been at the climax of its power! All things human failed it: all failed it save the power of God, which still sustained it, spite of all the combinations of earthly powers, and all the conspiracies of princes or of prelates against it.

Remembering that age, and remembering that in the works of the false children of the Church are to be found the origin of all these idle denunciations against the Papacy; recollecting that, as was there stated, even Franciscan friars were then to be found who reviled the Pope as Antichrist, and Rome as Babylon,—recalling these things, we cannot feel angry at the anti-papal lucubrations of a Protestant, whose every line shows him to be of a better spirit than that which pervades his views of prophecy, and whose work breathes a spirit of kindness towards Catholics, even while he is misled by false views of history with regard to the Papacy, with a horror, which would be simply ludicrous, were it not apparent that it has been imbibed from the works of its false children in ages past.

ART. III.—1. *On some of the Circumstances influencing the Practice of Exposure and Child-Murder in different Ages.* Paper read at Medical Society of London, April, 1858.

2. *Infanticide.* Medical Circular. Report of Societies, April 21, 1858. London: Reynell.

3. *Jewish Chronicle and Hebrew Observer*, July 2, 1858. London: Benisch.

4. *Child-Murder in its Sanitary and Social Bearings.* Sanitary Review and Journal of Public Health, July, 1858. By William Burke Ryan, M.D., Lond., Fothergillian Gold Medal for an Essay on "Infanticide in its Medico-legal Relations." London: Richards.

5. *Obstetric Morality*, being a Reply to an Article in No. lxxxvii. of "The Dublin Review." By Fleetwood Churchill, M.D., T.C.D., M.R.I.A., Fellow of the King and Queen's College of Physicians, Professor of Midwifery and Diseases of Women and Children; one of the Presidents of the Obstetrical Society, &c., &c. (Read at a meeting of the Dublin Obstetrical Society, May 12, 1858.) Dublin: Mc.Glashan and Gill.

WE rejoice that the subject of child-murder has been brought thus palpably before the public. As a social evil it yields to none, and indeed might be called *par excellence* the great social evil of the day. It required no small degree of moral courage to bring the subject forward in its present shape, and to tell home truths plainly but forcibly; for although the public mind has been disturbed by the increasing prevalence of infanticide, and by the daily horrors with which it is but too familiar, yet there is such an appearance of indecision regarding the proper steps to be adopted in order to check, if not stop the iniquity, such a false feeling in favour of those who secretly commit crimes of the most savage character towards their helpless children, that a person might well pause before venturing to grapple with a matter of such vast magnitude, but yet of not less importance. Every paper we take up, every publication which purports to chronicle the passing events of the day, shows that the evil has spread to an alarming extent; and it will indeed be a glorious work for the philanthropist to stem the torrent which has set in, to endeavour to imbue the public

mind with the sinfulness and immorality of the facts described, leading it to a proper appreciation of their enormity, instilling into it a horror of such acts, and weaning it from a tendency to deeds abhorrent to every better feeling of a religious nature.

That the consideration of this subject has not been the result of any sudden impulse, we can infer from the fact that, in 1856, to Dr. Burke Ryan was awarded the Fothergillian Gold Medal for an essay on "Infanticide in its Medico-legal relations;" and we fervently hope that the discussion of this question will not cease with the publications at the head of this article, but will be freely agitated until the mind of the community is fully aroused to the vital importance of the matter, and until Dr. Ryan's views find a welcome re-echo in the public voice. That this will be the result, we had almost said the speedy result, we have very little doubt. The people of this country are but too anxious to escape from a position which they view only with the most uncomfortable feelings, and would be but too willing to free themselves from a state of things which renders their passive acquiescence in the escape of those that they feel to be criminals, little less than an uneasy bondage. What, after all, can impress upon a nation a more unenviable notoriety than the prevalence of any form of murder; and that this form of murder, infanticide, is not only widespread, but extending, we have unfortunately proofs so numerous that we can neither close the ears nor shut the eyes to what is in fact shown to be a sad reality. Quoting from the *Legal Examiner*, 1853, Dr. Ryan says: "The 'Circuit Calendars' exhibit, as usual, a number of cases in which infants have met their deaths at the hands of their mothers. There is a horrible resemblance between the nature of the circumstances attending these deaths; but there is one difference, that they are more numerous than they used to be. The public, as well as the judge and the bar, notice it; Mr. Justice Coleridge pointed it out to the grand jury at Worcester." The *Examiner* adds that "we shall soon rival the Chinese people in callousness to infant life."

With the view apparently of rendering the crime still more detestable in the eyes of Christians, the author has touched somewhat elaborately upon the history of child-murder in the different phases of the history of the world, and has shown the dreadful, almost fabulous extent to

which it prevailed in different times and places. Showing how great has ever been the Almighty's indignation at the sin of murder, a sin than which no greater "can arise from earth to heaven seeking vengeance," he instances the fact that while the crime of disobedience was so severely punished both in the persons and posterity of our first parents, yet sorrow and commiseration seemed to dictate their chastisement, and their grief was rendered less poignant by the promise of a Redeemer; while for the sin of murder Cain was pronounced "*cursed upon the earth*," and driven forth "a fugitive and a vagabond;" and certainly the account in Genesis is in no small degree remarkable, and the considerate and regretful tone of the fond but disobeyed father, in the case of Adam and Eve, can scarcely fail to strike the attentive reader, when compared with the stern language of the offended and inexorable judge in the case of Cain. Truly might the latter feel overwhelmed in the conviction that his iniquity was too great to deserve pardon; and thus early did the Almighty record, by the infliction of a terrible punishment, His extreme anger at the perpetration of this most grievous sin.

"Here, or hereafter," says Dr. Ryan, sharing the belief and opinions of some of the best and wisest men from the earliest ages of Christianity, "a heavy account will be demanded of that nation which allows the practice of so grievous an evil as that of child-murder;" and starting from this point he lays down as an axiom, what we shall quote at full length; that

"All our laws upon the subject of infanticide should be based upon the principle that it is a grievous *sin* towards the Almighty; this must be the starting point with all nations pretending to be Christian—other considerations must be altogether secondary. National peculiarities must give way upon this one point; and conventional definitions which soften down the gravity of the offence, and call deeds of the darkest description by names which mislead as to their intensity of wickedness, and mawkish and mistaken sympathy, which tends to throw a shield of pity around the perpetrators of too often the most cold-blooded deeds, are in fact, and in truth, but a nation's tacit encouragement—however little it may intend it—to lax morality on the subject. The first duty of a nation, as of individuals, should be towards God—let sins against Him be called by their right names, and then let nations and individuals define as they may wrongs against themselves; but, to talk

of such things as murder, as 'outrages against society,' 'offences against the commonwealth,' and so on, is only to close the ears and shut the eyes against actions of much more fearful reality, and leading people astray as to the vital question to be considered. I can scarcely believe that a nation which can be brought to look upon this crime in its proper light, will long lack the power to provide an adequate remedy. And this remedy is not to be found in false sympathy for the culprit, in hollow excuses for the acts, but in endeavouring by every means to imbue the minds of the people with the dreadful responsibility which such crimes entail."

Alluding to the powerful influence possessed by the members of the medical profession in guiding the minds of the people to a healthy feeling on the subject, he conjures them to exert that influence, reminding them that the heathen father of that profession, the immortal Hippocrates, bound himself by oath, requiring the same of his disciples, not to procure abortion; and begging of them as the Christian successors of that man, "not to be put to shame by being of less strict morality." There can be little doubt how great is the influence of the medical profession on most social questions, and especially on this; and to a right-mindedness and conscientious discharge of duty on their part will be due much of those beneficial changes which we may hope shortly to witness. Moral questions are necessarily connected with medical interests, and it is to be regretted that in medical discussions generally, the moral aspect of matters is usually overlooked, if not ignored. This is a bad sign of the times amongst educated men, and particularly amongst the members of a profession which, after the ecclesiastical, stands nearest in proximity to moral questions, and moral influence.

But it is, he considers, "particularly the bounden duty of the clergy to efface this blot from out our land; they whose power and opportunity of teaching should render them unceasing in their crusade against crimes of every description, but who, when they speak to those in high places, dazzled it may be by the diamond's glitter and the 'silken sheen,' keep their lips sealed, 'poor dumb mouths,' and do not dare to speak the word 'child-murder,' while infanticide *stalks the land*; the phrase is unfashionable and low, not fit for 'ears polite,' although it may be that some hearts belonging to those ears have dipped into the fearful mysteries of criminal abortion, or are on the point of yielding to the dread crime, and might

be softened into repentance or arrested in their dread intent by a word of truth; and so 'the things that are of God' are made subservient to foolish conventionalities and deference to starched-up pride; the enemy is at the door, but the watchman is silent; the wolf scattereth while the shepherd gives no sign."

There is but too much truth in this picture, but at the same time we must claim for the clergy of the Catholic Church exemption from any part of the charge. The Catholic clergy do not denounce the crime from the pulpit, because, thank God for His mercy, it is little known amongst the Catholic body. Trodden down as the members of that body but too often are, subjected to persecution, contumely, insult, with all the stings of poverty, often to the very verge of starvation, lashing them into madness, yet seldom do they dash from their breasts the innocent babe, the offspring either of guilty intercourse, or the unconscious burden upon the exertions and tie upon the pleasures of too often unnatural parents. The Catholic clergy have done their duty, and the Catholic people benefit by their teaching to such an extent, that while the crime is rife above, below, and around them, they live in a happy exemption from its horrors, and an unalterable detestation of its nature. Proudly may the virtuous peasantry of Ireland be pointed to as an example of this teaching when joined to their own innate purity of morals; and it would well become those to ponder upon the matter who spend thousands on emissaries to that unhappy country in order to propagate "ill will among men," and to think within themselves whether it would not be more profitable for them to preach a crusade against child-murder in their own country, than to persevere in the endeavour to wean a devout people from "the faith once delivered to the saints," and in which endeavour they never did, and never shall, succeed. These persons, with their clergy, will find work enough to do at home in teaching the people their duty towards the Almighty, and in making them observe it. The harvest is abundant, but the labourers are few, that is, few not in numbers, but in zeal; they are too good for their work amongst the poor and dissolute; their "purses" are too heavy, and their "scrip" incommodes them. How is it possible that infanticide will not rear its hideous head among a people notoriously negligent of attendance on any public worship, and

by inference on any private worship also? Regarding statistics we have only to look to a leading article in last year's *Times*, that best possible abuser of Catholicity and of the Irish, and we refer to it in the expectation that those whose business it is will see to it, and in the sincere hope, for the people's own sake, that a better state of feeling may be brought about. "Among the working classes," says the *Times*, "a battle of creeds would hardly do much harm, for they could not possibly be made less religious than they are, and it might do some good." "But what a gain," it continues, "would some religion, even with a little human colouring and personal bias, be to the million heads of families who, according to the census, never go to any church or chapel, to the 1400 heads of families of whom, in a wealthy district of Paddington, only 70 attend any place of worship, to the 99 out of every 100 who, as Dr. Hook says, lie in bed on Sunday morning while their wives cook the dinner, and adjourn in the evening to the public-house; or to the 52,000 souls in Clerkenwell, of whom no more than 200 of the labouring classes are habitual and *disinterested* attendants at any place of worship!*. . . . Idleness is the faith and the public-house is the church of the myriads who are not to be found anywhere in the assemblies of Christian worshippers. The Eutychian heresy, as it has been called, the sect of sleepers, numerous as it is inside our churches and chapels, is much more abundant without, and its creed is to do nothing, and not even to concern itself with the question, whether Christianity be true or not. . . . Can the people at large be less religious? . . . But we do not think," alluding to the contemplated national public schools, "that they are

* Let none in future say that the *Times* knows not the hearts of the people. The above was issued probably twelve months or upwards before the following practical commentary on the text appeared on the 18th of the present August, in the same paper.

"PIETY AND PROFITS.—A gentleman who employs a great number of hands in a manufactory in the west of England, in order to encourage his work people in a due attendance at church on a late fast day, told them that if they went to church they would receive their wages for that day in the same manner as if they had been at work. Upon which a deputation was appointed to acquaint the employer that if he would pay them for over hours they would attend likewise the Methodist chapel in the evening."

likely to leave the working population in *a more irreligious state* than they find it in."

Such, then, are the expressions of the *Times*, as to the state of religious, or rather irreligious, feeling amongst the people. This is no enemy's description, and taking the census as a correct one, may it not be asked, is it wonderful that crime exists, is it surprising that infanticide is rife, or is it too much to assert that its prevalence is owing to a want of real religious feeling on the part of the mass? Is it not correct to say that the clergy and the proselytisers can find, if they wish to occupy their time profitably, plenty to do among such a community, and that their hands will be sufficiently full in drawing the beams out of their own eyes instead of peering for the mote in those of poor Paddy, who is not without a knowledge, theoretical and practical, of the Faith?

Dr. Ryan cites many ancient authors, illustrative of the fact that, before as well as after the flood, children more especially were sacrificed to the heathen deities and evil genii, these children more particularly belonging to those sacrificing. Indeed, there is something quite frightful in the accounts given by early historians of the practice of child-murder; the thousands upon thousands of innocent children offered up on the shrines of superstition by idolatrous nations, as well as from other causes, make us stand aghast and wonder how such things could have been perpetrated by human beings; and we feel how much reason we have, independently of other considerations, to be grateful that Christianity and its attendant civilization have put a stop to these horrors; for the civilization, such as it was, that existed previous to the Christian era, was deeply tinged by propensity to this crime. It was, indeed, as expressed by Gibbon, "the stubborn vice of antiquity," a melancholy consequence of our fallen nature, the massacre, indeed, "of the innocents." Truly ought the name of infanticide to be held in detestation, and pass away with those false deities that gave it birth.*

That the sacrifice of children was common in Egypt and in Phœnicia, we learn from Manetho, the Egyptian priest,

* Lycophron, the poet of Chalcis, is the authority for the Grecian deity being called *Infanticida*. It was thought to have been applied to Hecate, or Diana, in one of her other forms.

fragments of whose now lost work have been preserved by Josephus, Eusebius, and others; Sanchoniatho, the ancient historian of the Phœnicians, those descendants of the Canaanites; Diodorus Siculus; Philo; Porphyry and Plutarch. It was the custom in times of great calamity, for the rulers of a nation to sacrifice the most beloved of their children to the avenging deities, butchering them with much mysterious ceremony. Sanchoniatho's work is full of such sacrifices. Herodotus denies that human sacrifices were offered up in Egypt in his time, nor would he believe that they ever had been, "for how," he says, "should they sacrifice men, with whom it is unlawful to sacrifice any brute beast, boars, and bulls, and pure calves, and ganders, only excepted?" But the proofs afforded by Sir John Marsham, Bishop Cumberland, and others, induced Whiston to believe that human sacrifices were frequent, both in Phœnicia and Egypt. Diodorus relates that Typhonean men were sacrificed at the sepulchre of Osiris. One notable example of wholesale child-murder, which will live for all time, was that in which Pharaoh, when he found the Israelites, despite their severe bondage, "multiply and wax very mighty," resorted to the terrific expedient of extermination, as respected all the male children, and from which general slaughter the mighty law-giver himself was snatched, the destined avenger of the wrongs of his people. This barbarous proceeding was only to be outdone by that of the infamous Herod, who, provident for his earthly kingdom only, "sending, killed all the men-children that were in Bethlehem, and in all the borders thereof, from two years old and under."

The Egypt of the present day is disgraced by the practice of abortion and infanticide. There are female professors to procure the former. At Cairo Arabian physicians follow this horrid practice as a profession.

The ancient kings of Tyre offered their sons in sacrifice, and to one of them divine honours were paid on that account. The Scythians and the neighbouring nations continually immolated children, and Plutarch debated within himself whether it would not have been better for such people to have had no conceptions of any superior beings, than to have had notions of gods so thirsting for human blood.

Dr. Ryan argues that the Jews, when uncontaminated by admixture with neighbouring idolatrous nations, were guiltless of the crime of infanticide; and he infers that it

was because the crime was unknown that there was no special punishment awarded to it in the laws of Moses, of whose system the purest morality was the principal object, and shows that while the denunciations of the Almighty were in no cases more forcibly expressed than in those cases of murder where children were the victims, and while He severely condemned the pagan nations for their idolatrous sacrifices, He says to the Jews, "*Beware lest you imitate them,*" showing that up to that period the crime probably did not exist. The expectation of the Messiah also, an expectation cherished with such devotion, would render it almost impossible that such a crime could have been committed. The crime, too, it is said, is unknown amongst the Jews of the present day, and it is no wonder Dr. Ryan should exclaim—"What a blush should such an announcement cause on the cheeks of those Christians to whom that Messiah has already brought tidings of great joy, and for whom He sealed by His death the mystery of His Incarnation and His love!"

Soon, however, when the then chosen people forgot the Lord, and worshipped amongst the surrounding idolatrous nations, did they give their children "a burnt offering to the idols of Canaan," "a passing through fire to Moloch." So also of the wicked Achaz, who "made his sons pass through fire in the valley of Benennom," and of Manasses, and in many other instances where this favoured but ever stiff-necked people "sacrificed their sons and their daughters unto devils." Crime on the side of the Jews, sorrow and indignation on the part of the Almighty, are abundantly found in the Books of Chronicles, in the Psalms, and in the Prophecies, and punishments fall heavily upon those who had, contrary to His express commands, "filled the place with the blood of innocents;" "those merciless murderers of their own children; those parents sacrificing with their own hands helpless souls." Alas! is there nothing of the kind to feel solicitous about in our own times? The valley of the sons of Hinnom, near Jerusalem, was so called from the shrieks of children, as also Topheth, signifying a drum, as being used to drown the cries of those about to be sacrificed. Isolated cases are also noticed, such as those of Queen Athalia, of Achab; and those of Jerusalem and Samaria, owing to starvation during the sieges of these places. The "mur-

der of the innocents," by Herod, has been already alluded to.

The sorrows and trials of the Babylonish captivity seem to have been followed by one remarkable event ; that the Jews, after their deliverance therefrom, never again fell into idolatry ; and it must in justice be mentioned, that Tacitus, their most prejudiced and implacable enemy, while he gives them in many respects the most dreadful character, going so far as to say, "*Inter se nihil est illicitum*," is obliged to acknowledge that no man was allowed to put his children to death,—"*Nam et necare quemquam ex agnatis nefas*."

Infanticide amongst the Greeks is next touched upon, and the different modes of disposing of children, according to the intention, shown ; whether done with the hope that some one should take pity on and rear them, or with the design to destroy, in the latter of which they were flung into the cavern Apotheta, near mount Taygetus. Herodotus is quoted to show that, female children especially, were thus exposed or killed ; and Ælian, to attest the noble exception of the Thebans, who of all the states of Greece, held the crime in detestation, and visited its practice with capital punishment: "*contra morem legesque reliquorum Græcorum et imprimis Atheniensium*." Were the children weakly they were considered of no benefit to the state, and destroyed without compunction. The Lacedæmonians even exceeded the other states in barbarity, often scourging their children to death in honour of Diana Orthia. The "divine Plato" and Aristotle lend their countenance and council to the exposure of children, and to the procuring of abortion, for reasons of state, wicked as they were short-sighted. The classical poets are laid under contribution, and Virgil and Ovid are cited to prove by their descriptions the received truths of the historian.

Like their progenitors of Tyre the Carthagenians immolated children. Indeed, they had a law by which children were yearly sacrificed to Saturn. Diodorus Siculus relates how when they were besieged by the Sicilian tyrant, the adventurer Agathocles, they sacrificed 200 of the children of their most illustrious families—the previous sacrifices being only those of slaves. After the battles of Ticinus and Trebia were won, it was proposed by the senate to sacrifice the infant son of Amilcar himself. The same

general having, before this, after a *reverse* in Sicily, sacrificed a boy to Kronos.

Gelon, King of Syracuse, when he conquered Amilcar, stipulated that the Carthagenians should never again sacrifice children to Saturn; and the Romans, in their treaty, had a similar stipulation, for which, says Montesquieu, they deserved well of human nature.

The Cyprians, Rhodians, and Ionians, offered such sacrifices, as did the inhabitants of the Tauric Chersonesus.

Mention is next made of northern nations, of Suevians and Scandinavians, Scythians and Sarmatians, and it is shown that the inhabitants, even to the kings, did not hesitate to sacrifice their own children to Thor and Woden for one object or another. Odin's grove (says Mallet, in his *Northern Antiquities*) was full of the bodies of men and animals that had been sacrificed.

In Rome, almost unlimited power was given to parents over their children, advantage of which was often taken to the most painful degree, until they were exposed or slaughtered to a fearful extent, and in divers ways. Thrown into rivers or exposed to wild beasts, the poor creatures had little chance of escape. Even the laws of the "Twelve Tables" ordained that deformed children should be put to death. Under the Emperors, this "*patria potestas*" was restricted, being scarcely modified during the republic. So unlimited at one time was this power, that neither age, nor sex, nor dignity of the offspring, could in any way restrict it. It was peculiar to the Roman jurisprudence. Juvenal gives a revolting account of the licentiousness of the period as well as of the extent to which exposures and abortion were carried, of which unnatural practice it is strange to find the elder Pliny the apologist.

Alexander Severus took this power out of the parents' hands, and Constantine the Great inflicted the pains of parricide on those whom the Pompeian law had exempted from penalty in such cases. Infanticide was even rapidly on the increase in Constantine's time, owing apparently to poverty; and on this emperor becoming Christian, he caused laws to be enacted which still exist in the Theodosian Code, whereby funds from the public treasury were allotted to those whose children were a burthen to them, and the rights of property allowed to those who had the

charity of rearing exposed children. Paulus counted it murder in the father who strangled, starved, or exposed his new-born infant, and Justinian reprobated the "*jus necis*" of the Romans. Even in the third century, Tiberius had to use strong efforts to stop the practice; and nearly two centuries afterwards, still stronger and more successful efforts were made by Valentinian and Valens. Gratian also did his part. One of the calumnies heaped upon the early Christians was, that they devoured children at their meetings; but the early fathers and apologists of the time, as well as a lawyer of the day, Minucius Felix, boldly threw back the calumny, and fixed the charge upon the heads of the accusers themselves. Tertullian even showed that the Romans publicly sacrificed their infants in Africa under the pro-consul Tiberius, and continued the system in secret even to his own time. St. Justin previously wrote, and Lactantius followed on the same subject. Here we see, then, some of the earliest triumphs of Christianity in stemming the torrent of infanticide, and we find that its gentle lessons had, in order to eradicate the inhuman practice, to be "*fortified by the terrors of capital punishment.*"

One good, it has been said, followed the imposture of Mahomet, that child-murder was prohibited, and a text of the Koran plainly expresses this prohibition. Amongst the ancient Arabians, owing to the commands of Mahomet, the commission of this crime was arrested. He himself alludes to the depressing effect the birth of a daughter had on the Arabs. Yet it would appear from many authors, that the Mahomedans permit infanticide, but that its frequency is lessened by the universal custom of procuring abortion. Blacquiere and Sir John Chardin attest this, as does Dr. Bryce.

In the present age, Asia takes unhappy precedence in the perpetration of infanticide, which is there often committed with cold-blooded indifference. The practice has existed thousands of years, and has been alluded to by the historians of Greece and Rome.

In Hindustan, the slaughter of female infants is quite horrible. In *Kutch* and *Kuttawar*, 20,000 were said to be murdered annually. The shame consequent upon not being able to portion daughters, seems one great incentive to this crime. The English nation made great efforts in the last century, and with much success, to stop this prac-

tice, and Mr. Duncan and Colonel Walker, whose descriptions are most painful to read, were well repaid for their great exertions by the decrease of the practice, although even yet murders are perpetrated when the parties are out of the reach of English power: this Sir W. Sleeman shows in his late work on Oude.

In the same way, infanticide, particularly of females, is practised to a fearful degree in China, indeed, some of the accounts appear almost incredible, so teeming are they with horrors. But many most trustworthy authors place the numbers destroyed very high. It is said, the Jesuit Fathers baptised 3,000 yearly in Pekin alone of abandoned children. This is said on the authority of Father Ripa; Barrow, Du Halde, Sir George Staunton and others, compute the number of exposures differently, but all agree that they are very numerous, and done in a most deliberate manner. Ten to twenty thousand is mentioned as being annually exposed or slaughtered. The Abbé Bergier says it was thought that as many as 30,000 were destroyed every year. Exposed on the high ways, they are either trampled to death by animals, or devoured by vultures. More lately, Sir John Bowring and Dr. Williams, show how extensive the practice still is, towers existing into which the unfortunate children are thrown, and ponds in which the bodies lie floating. Yet infanticide is against the law in China, and many of the authors of the country, have written with much feeling against the evil. Some even, as Facfur, a prince of the country, preserve and rear them. It was said that he saved 20,000 annually, bringing them up to trades—the boys he afterwards had married to girls brought up to a similar occupation.

In many parts of North America, among the aborigines, one of twins is often destroyed, and if the woman die while nursing, the child is buried with her. In New Holland, under similar circumstances, all hopes of rearing it are given up. In Greenland, Labrador, and California, children were destroyed in times of scarcity.

Zumurraga, the first Catholic Bishop of Mexico, in a letter in the year 1631, says 20,000 children were sacrificed there yearly; and other authors, among whom is Torquemada, speak of these almost fabulous numbers. B. de las Casas, asserts that not more than 50 or 100 are destroyed annually, but the evidence is much against him. The Peruvians, according to Acosta, were equally blood-

thirsty, although Robertson endeavours to show that this was not the case. Cook found the population of Otaheite some 200,000, but, as was supposed in a great degree, in consequence of frequent infanticides, this number was afterwards reduced to 6,000. The introduction of Christianity put a stop to these horrors.

Japan, Ceylon, and many other places, are merely glanced at in this melancholy list, of which we have given an extended notice in the belief that feelings of regretful indignation cannot fail to arise, and in the hope that every mind will be steeled against the extension in our own land of this dreadful crime.

The laws against infanticide differ much at present in this country from those formerly in existence. In former times, the laws were of a severity, that bore the stamp of injustice; at present they are of a laxity, a contradiction, and an anomaly that subject them to ridicule. *Then*, as a reason for what amounted to absolute cruelty, the people had the excuse of the sacredness of human life too often wantonly and barbarously sacrificed. *Now*, people are at a loss to account for the blameable folly of our laws, which leave loop-holes and back-doors for the escape of the guilty, unless on the supposition of that feeling influencing juries, which the *Morning Chronicle* attributes to the people, "that the natural instinctive horror of blood, the reverential sense of the sacredness of human life, seems to be becoming extinct among the humbler classes." Were it not for that preposterous state of the law which we shall shortly explain, regarding the proof required that an infant was "*wholly born*" when it was killed, no other conclusion could be come to.

Nearly all over Europe, the laws against infanticide were formerly of the greatest severity. In France, in 1556, an edict of Henry II., punished by death every unmarried woman who concealed her pregnancy, and caused the death of her infant; and in our own law, the Act 21, James I., seems to have been adopted from the French criminal code, as infanticide was probably very prevalent at the period. This act required proof, by the mother with whom a dead bastard child was found, that it was born dead, immaturity of the child forming a sufficient defence, as it did also in the edict of Henry. This act, like the French edict, has been modified; indeed, its extreme severity, unjust even to inhumanity, counteracted

its provisions and secured its alteration. At different times, various changes took place in the law as respects infanticide, which is defined to be the murder of a new-born child, although the term "new-born" is not restricted to days after birth. In 1803, an act was passed providing that trials for the murder of bastard children should be guided by the same rules of evidence and presumption, as govern in other trials for murder, but in case the trial failed on account of deficient proofs, or from other causes, the jury could fall back on a second trial for "concealment of pregnancy." Now this takes the place of the child-murder of former times, the punishment being at most two years imprisonment only. The Act 9, George IV., again modified this statute, rendering it unnecessary to prove whether the child died before or after birth, in cases where concealment of birth was clearly shown.

In the Act of James, the onus was most unjustly thrown upon the mother, in cases of trials, of proving that the child was born dead. At present this proof is very properly thrown upon the accuser. But now comes the most extraordinary part of the law's provisions, a part that renders the escape of the guilty criminal easy, makes the law a mockery of justice, demands but too often impossible proofs of a medical witness, and places the jury in a most painful and unjustifiable position.

Proof is required that the murdered child was WHOLLY BORN and had an existence independent of the mother.

Let us now see what this means.

Take a child, the subject of examination, that has evidently been murdered. And here let us remark that there are, in the generality of cases, especially in those in which no marks of violence are apparent, and yet where the child has come by its death by unfair means, great difficulties in the way of the medical witness in proving the fact, arising as well from the ingenuity of lawyers in the discharge of their duties to their clients, and sometimes it must be said from a desire to bully and disparage a witness whose evidence they believe to be correct, and whose conduct they know to be wholly disinterested; as from the clashing of medical evidence itself, the contrary opinions of individual witnesses, and the very great difficulty in proving certain points. But all these are fair and legitimate matters for cross-questioning, and for the display of tact on the part of the advocate; but nothing we

conceive can excuse the state of the law as it now is, and it is only wonderful that the good sense of Englishmen has not long since revolted at the absurdity of the position laid down, a position of which the days are numbered, a state of law disgraceful to a civilized, much more a Christian country.

Take the case of the child above mentioned, where appearances leave no doubt that it was murdered. All necessary proofs are given—the judge is satisfied—the jury are convinced that a foul and deliberate murder has been committed; there is no additional proof required. Nothing remains, one would think, but to pass sentence on the guilty mother. Not so. Now is the time for escape, not punishment. Now must the lawyer on behalf of his *not trembling* client—for she knows too well the state of the law, and feels what a mockery is going on under these judicial solemnities—ask the expectant medical witness if he can prove whether the child was *wholly born* when the violence which caused its death was inflicted; and the doctor very truly says he cannot. “Hear that, gentlemen of the jury,” says the nimble advocate, with the consciousness of his client’s innocence fully reflected in his own innocent face, “my client is secure.” “True,” says the learned judge, with all becoming gravity, “gentlemen of the jury, you have heard the evidence of the medical witness, you must find the prisoner at the bar not guilty.”

To be sure, the skull of the poor child may have been broken in, the brain may have been pierced with some instrument, the throat may have been cut from ear to ear; the child may even be dismembered, but unless proof be given that this took place after it was *wholly born*, the law lets the criminal escape. It is not sufficient that the medical witness show that the child was alive when all this was done—nothing is proved, unless evidence be given, which is almost always wholly impossible, that no part of the child was actually in the body of the mother when it was killed. That is, if a hand, or a foot, or a finger, or a toe was actually within the body of the mother, killing is no murder. How is it possible for a medical witness to prove whether this state of things existed or not? It is not in his power, and conviction in such case can only be secured by the improbable chance that some second party had positively *witnessed* the foul transaction. With “bated breath” do we not hear our

readers demand—"is this the law?" Yes, this is the law. A girl was a short time since acquitted of the murder of her infant, although when found, pieces of the wind-pipe were actually cut out. The law is even thus laid down. Mr. Justice Coleridge pronounced at the Norfolk assizes, in 1837, that the whole body of the child must be born in order to have an indictment stand for child-murder. So has Mr. Baron Parke, Herts assizes, 1841, who added, "If it should appear that death was caused during delivery, then you will not find a true bill." Still further has another judge gone, who told the jury that if they were of opinion "that the prisoner had strangled her child before it was wholly born, they were bound to acquit her!" Now see to what this state of the law leads. A bold and designing woman, and in these cases, when driven by fear and shame she can do much, a woman has only to insure the death of her child by some mode or other *during the passage* from her body, in order to secure impunity for the deed. Much of this has been based upon the fact that a child might breathe during birth, and die before the body was wholly born. Baron Gurney stopped a case when the medical witness admitted this.

A case was tried before Mr. Justice Erle, where the head of the child was nearly cut off. Breathing had been established. The jury were told, in order to a conviction, they must be shown that the child was *wholly born*: that respiration might have taken place during the passage of the child into the world, and that though this would constitute it *medically*, a live child, yet, in fact, that it was not so *legally*! Acquittal was of course the only result.

The throat of another child was divided by some instrument. The surgeon could not say positively if the child had been born alive. Mr. Baron Martin told the jury they could not find the prisoner guilty of murder. The jury in this case fell back upon the alternative left them, and found the prisoner guilty of concealing the birth. A similar result took place at Lewes, July, 1858, before Mr. Justice Willes. A girl aged fifteen was originally committed on a charge of wilful murder. Medical evidence not proving sufficiently clearly that the child had been born alive, the jury ignored the bill for murder, and returned one for concealment of birth only. This girl positively all along denied her pregnancy. On a certain day she suddenly went up stairs, and shortly afterwards carried

something into the scullery. On search being made an infant was found under the sink with the mother's garter tied tightly round its neck. Now, in these and all other cases, the punishment for concealment, (indeed it may be said the punishment for murder, as it usually ends in this), is only two years' imprisonment, and yet here this young culprit, who narrowly escaped being tried on the capital charge, whose guilt no one for a moment doubted, is *strongly recommended to mercy*, on account of her youth, when found guilty on the charge of concealment, and was sentenced to six months imprisonment with hard labour. A person would think the jury would have been desirous rather, if in their power, to give more punishment than the law allowed. A girl aged twenty-four was indicted for endeavouring to conceal the birth of her child (at Ipswich, July, 1858) by wrapping the dead body in a bundle, and depositing the same in a wardrobe. She denied her pregnancy. Her illness on the 24th of June attracted attention, at half-past one o'clock, when she *took some tea and resumed her work*. At half-past two her sister found in a drawer of a wardrobe a bundle containing the dead body of a new-born babe. She informed the father, who cried out to the prisoner, "Good God, Jane, what have you done?" The girl dropped, as if shot, and remained speechless for weeks. The coroner's jury returned a verdict of, "wilful murder," (the throat being cut from ear to ear with some blunt instrument), but the grand jury ignored the bill, and the girl was tried for concealment only. Lord Campbell told the jury there could be no concealment if the girl were in an unconscious state, and directed them to acquit the prisoner, and the "jury, evidently nothing loath, at once said, 'Not guilty, my Lord,' a result which was hailed with acclamation by a crowded court!" This young culprit was even more lucky than the former. After the fact of being secretly delivered, cutting her child's throat, hiding it in a drawer, and resuming her work with her family as if nothing had occurred, she suddenly, when her dark deed is brought to light, and a father's accusing exclamation reaches her ears, falls down as if shot. No unconsciousness through all her determined secrecy. No faltering, but she escapes as if unconscious, the contrary of which appeared in evidence, when she committed the dreadful act, and a crowded court receives with

acclamation the complete exemption from punishment of this girl.

As the law now stands, when a girl is arraigned on the capital offence, the jury must bring her in "guilty of wilful murder," or acquit her; and this is in many respects a painful position for the jury. The general feeling against finding, on the capital charge, is very great, and there may be many circumstances existing to favour this feeling in particular cases. The girl may be young, otherwise innocent, or perhaps the victim of a long course of seduction and subsequent meanness. Her desolation may appear but too perfect already, and therefore the verdict of "wilful murder" is seldom returned, and the punishments attached thereto still more seldom carried out. Concealment of birth then offers itself to the jury, and on this they fall back. But if the punishment of "wilful murder" appear in many cases too great for the offence, surely the punishment of concealment of birth, virtually at present the punishment for murder—*two years' imprisonment*—cannot be considered commensurate in most cases to the enormity of the deed. But in some of these cases, such for instance as those mentioned, even that punishment is grudgingly meted out to offenders. In order that a proper degree of punishment should overtake the offender, a modification of the law is urgently called for. To be able to find for the capital offence "with extenuating circumstances," as in the French law, would allow of punishment being inflicted according to the extent of the crime: justice could then be satisfied, instead of being, as at present, outraged. The points of "live birth," "entire birth," are but legal fictions to aid the guilty; and provision must be made, unless, as Dr. Taylor says, "we are prepared to admit that the destruction of a living and breathing child *during* the act of birth is not a crime." Infanticide at present has virtually ceased to be a capital offence.

The laws of Prussia are like our own on the subject, and equally disgraceful. Dr. Von Haselberg, of Stralsund, where infanticides have been very frequent of late, shows that infanticide is, so to say, permitted by the Prussian laws, for the obstacles thrown in the way of conviction are often insurmountable.

We have no means of calculating the number of infanticides that take place in this country, and returns should be at once enforced by coroners' courts, the true sources

whence we can build up statistics. The member for Ashton in 1852 moved for returns of this kind. It is much to be regretted that such returns were never made.

Lord Raynham, in 1857, moved for returns in the House of Commons of persons convicted of infanticide from 1852 to 1856, inclusive. From these imperfect returns it appears that in trials where sixteen convictions for murder took place, only one suffered capital punishment, and he murdered his two children aged five and seven years respectively. Strange as it may appear, there is no record of the punishment in two of the cases, and in the rest it varied from two years' imprisonment to transportation for life. In four cases, where, on trials for murder, convictions for manslaughter took place, the punishment was from twelve months' imprisonment to transportation for life.

The horrible burial club system, in the Manchester and Salford district, is terribly portrayed in the "Sanitary Inquiry Report for 1843." There parents insured the lives of their children in various clubs, and at their deaths, often brought about by neglect, starvation, or still, if possible, more criminal means, reaped a rich harvest from their iniquity. The very fact of a child being in one of these burial clubs, so publicly known was the practice, gave sufficient evidence of his early doom to the neighbours. "Aye, aye, that child will not live, *it is in the burial club!*" was a common and heartless mode of expression. Three, four, and even five pounds each were got from these clubs, and as the burial expenses came to only one pound, or one pound ten shillings, a balance was left for which the life was sacrificed by the parent. A child has been known to have been insured in ten different clubs. After trial, before a jury, a couple who had received twenty pounds from burial clubs at the death of a former child, enforced payment from ten of them, to the amount of thirty-four pounds three shillings! In other cases where arsenic was found in the bodies of the children, it was noticed that girls, as being less likely to be of service to their parents, were the victims. In Stockport, the town clerk had no doubt that infanticide to a considerable amount had been committed in the borough. Dr. Granville, in his work, "Sudden Death," compiled from the reports of the Registrar General, shows that infanticide is fearfully on the increase, the "early mortality being rightly called frightful," in some of the manufacturing towns. Mr. Wakley, the

coroner for the county of Middlesex, states, as appears by the daily papers, that the number of infanticides in London alone amounts to three hundred annually. He says that with ten thousand pounds at his command he could put a stop to this horrible crime, and Dr. Ryan thinks freedom from such a curse would be cheaply purchased at a much larger sum. Many of those cases are returned as "still-born," "overlaid," "accidentally suffocated," &c. As a commentary on this, in a week in April last, six deaths are reported from "suffocation," five of these being infants.

The *Legal Examiner* gives the opinion of Mr. Hilles that the crime of infanticide has spread to a fearful extent, and is rapidly increasing. He doubts whether the closing of foundling hospitals has not done more harm than good to public morals. "We may talk of India," said Mr. Prendergast, Q.C., at the Central Criminal Court, Aug. 20, 1858, "but he was sorry to say infanticide was carried on to a great extent in this country, and strong measures should be taken to repress it. Incontinence was one thing, and child-murder another."

Commiseration, pity, are desecrated when applied to the cases of parents, as in the burial club iniquity. With some cases, so harrowing are the details, every manly heart must sympathize, and in such all allowance that can ought to be made, short of excuse for actual murder. Overwhelming shame, and acute sense of wrong, may drive to madness many a woman otherwise innocent and well-intentioned. Such cases will not fail to receive due consideration.

"Let the innocent," says Dr. Ryan, "by all means be protected, and let none be visited with the severest forms of punishment unless where murder is most clearly proved. Better a thousand guilty should escape than that one innocent should suffer. But when things are fully brought home, when a cool and premeditated murder is proved, then severe punishment should follow; no false delicacy should tempt the public to connive at infant-murder. Let no murderess be made a heroine of, and the practice may be lessened. Above all, let women feel that they should not be visited with so much indignation for simple pregnancy as for murder; the one is a sin of the passions, and may be momentary; the other is but too often coolly premeditated; and if the state of morals cannot be brought to such a degree of purity as to prevent illicit intercourse, they can at all events be brought to a state when a woman will long hesitate before she imbrues her hands in innocent blood. Let society, if possible, look on the fact of illegitimate pregnancy with a

more forgiving eye, and pity at least the unhappy victims of seduction, or the otherwise innocent who may have fallen. Let such victims have their future course through life of a less hopeless character; let them feel that an occasional flower may be scattered along the thorny path that lies before them, and that a green spot may now and then glad their eyes and give rest to their limbs; that life is not to be of so wholly unendurable a character as they may suppose; that it may be no longer from their own sex that

“ ‘ Every woe a tear may claim
Except an erring sister’s shame,’

and much may be done to lessen the evil. The moral criminality of infanticide should, by every possible means, be kept before the people. This would, indeed, be a meritorious work to undertake.”

Dr. Ryan suggests that the establishing of foundling hospitals properly conducted would tend to check infanticide; and even granting that one of the arguments used by the opponents of them were true, a fact that he by no means admits, that they lead to greater immorality, yet he thinks this trivial in comparison to systematic murder. This latter is plainly a crime so monstrous that every available means should be put into requisition to stop it. After paying a well merited compliment to the disinterested feelings by which those were actuated who founded, and from time to time resuscitated foundling hospitals, he glances at the length of time in which they have been in existence, and shows that while they were occasionally abused, a fate to which all human institutions are liable, yet that they must have done an incalculable amount of good. We believe that by offering an asylum to the child of the fallen and unfortunate one, the greatest incentive to infanticide will be taken away, and that it was on this account that the good and religious philanthropists of former days threw the mantle of charity and secrecy over the unhappy mother of an illegitimate child. Many of the abuses we conceive can easily be remedied, and indeed from time to time such have been remedied. For instance where the turning boxes were kept, and offered, by the absolute secrecy with which a child could be deposited, great temptation, the “*bureau ouvert*” has been adopted, in which, while secrecy is still observed as to the party, yet a registration takes place, and thus married people who through poverty, idleness or want of affection, would willingly get rid of the trouble of rearing their children, are

prevented doing so. The mortality in foundling hospitals we also think, by judicious arrangement, could be greatly diminished; and it is a question whether this mortality is so great as it appears on the surface, as it is not right to compare the mortality of such institutions with that of the community generally, because children are taken into them under the most unfavourable circumstances, either of season, of removal at that tender age from a distance, of the neglect to which such outcasts from the nature of the attendant inconveniences must necessarily be subjected, or of numerous other causes. Dr. Ryan shows that, taking the poor localities of London and Paris as well as in some of the manufacturing towns of England, the mortality is very high in comparison with that of the people at large. It is argued, that with these very children, if brought up by these poor and destitute mothers, the mortality from the attendant poverty and inability of the parties to bestow the necessary comforts must be very high indeed. But further, this view is altogether beside the question, if, as may be argued, the object of foundling hospitals is not so much the preservation of the lives of children as the prevention of murder; the former object being worthy a heathen people only, the latter object that which should characterize a Christian nation. At the worst, a state that fosters such institutions fails in a good work from insurmountable evils, but exerts its best endeavours to save the lives of deserted children, while the states which make no provision for the snatching of such from untimely, and violent death may be said to become their executioners. We question what has been asserted, that infanticides are increased by such institutions, and we hesitate to credit so gross a libel on poor human nature. Indeed, it is preposterous to insinuate that where all incitements to murder are taken away, the crime would be committed through mere wantonness. Moreover, as before remarked, it was chiefly in order to prevent infanticide—a sin so heinous in the sight of God—that such disinterested lovers of their kind as Madame Legras, and St. Vincent de Paul, laboured so hard to place them on a permanent foundation. Such people were not likely to adopt those means which should increase instead of diminish the crime. It is well remarked that all the difference in the argument consists as we take it from a Catholic or Protestant side. Dr. Webster states that on a late visit to Sweden he found 1183 persons in the prisons, and of these not less than 106

were committed for infanticide, and 26 as accessory to it, being one-ninth of these establishments! Surely such was never insinuated of countries where foundling hospitals exist. The antiquity of these institutions is traced as early as the year 787, when one was established at Milan; and they are noticed through many vicissitudes—even to suppression—up to the present day, when they are thickly scattered over the continental nations, and especially in France.

Gerando gives statistics of illegitimate births per 1,000 in countries with and in those without hospitals for foundlings.

<i>States without Hospitals.</i>		<i>States with Hospitals.</i>	
	Illegitimate Births per 1000.		Illegitimate Births. per 1000.
Prussia	69	France	71
England and Wales	55	Naples	46
Wales alone	83	Archduchy of Austria	42
Saxony	121		
Hesse	149		

Terme and Montfalcon, Remacle, Guerry, &c., give many statistics regarding legitimacy in France, showing that while in the beginning of the century, the illegitimates were 1 in 20, they are now 1 in 14. The wars of the former period would account for the proportion, and the progressive increase seems attributable to increase of population.

One argument against foundling hospitals is little borne out by the following returns from the *Lancet*.—

“Of the Registrar-General of Scotland, which show that the counties in his list, in which the proportion of illegitimate births is greatest, are not those which are rapidly advancing in population, or which contain our largest cities, with their over-crowded inhabitants, but are rather those which are more purely agricultural. Thus, in Scotland, the counties of Renfrew and Lanark, with their teeming population, show only 6.1 and 6.7 per cent. respectively, of illegitimate births; Linlithgow 6.7 per cent., and Edinburgh 8.7 per cent.; while the proportion of illegitimate births rises to 11.1 per cent. in Peebles, to 11.6 per cent. in Roxburgh, to 12.5 per cent. in Selkirk, to 13.1 per cent. in Kincardine, to 14 per cent. in Kirkcudbright, to 15.7 per cent. in Dumfries, to 16.2 per cent. in Aberdeen, to 17.1 per cent. in Banff, and to the enormous proportion of 17.5 per cent. of the births in Nairn. The general comparison of the social condition of Scotland in this respect, with other nations around us, does not afford as favourable a result to the land of John Knox as might have been expected, especially when

the facilities of Gretna Green are remembered. It appears that in Sweden, only about 6.5 of the births are illegitimate; in Norway, 6.6 per cent.; in England, 6.7 per cent.; in Belgium, 6.7 per cent.; in France, 7.1 per cent.; in Prussia, 7.1; in Denmark, 9.3 per cent.; in Hanover, 9.8 per cent.; while in Austria, 11.3 per cent. of the births are illegitimate."

These figures coincide pretty nearly with those of the report of our own Registrar General in 1845, where he gives for Sardinia 2.1 per cent. Wurtemberg 14.9, Bavaria 20.5 per cent. This last we can hardly think correct, but give it in order to elicit information from some of our Bavarian readers.

Dr. Ryan continues :

"The registration of illegitimate births cannot in all cases be taken as a gauge of morality, for Sir B. Brodie gives, from the Registrar General's reports, a ratio per cent. of 3.2 for London, while in Derbyshire it is 8.3, and in the North Riding of Yorkshire 9. Now, many causes may, in London, where the standard of morality is not over high, account for this ratio; and where, if even the compulsory 'retreat of the ten thousand' public prostitutes computed to drive their trade, could be effected, there would still remain the 100,000 non-professed ones that are said to exist, from the luxurious and fashionable Calypso of the elegant suburban villa, who lures 'my lord' from 'my lady's' more sobered graces, to the sad and lonely child of labour whom gaunt poverty has 'worn to the bone,' whose fingers are benumbed by plying the profitless needle on mantles remunerating by 1½d. each, or on shirts or vests at a similar rate, that those may live in idleness, or worse, whose stony hearts are made stonier still by the cursed and all absorbing love of gain, and who are utterly careless how their ill got wealth increases, what wear and tear of life it causes, so that it *does* accumulate and minister to their selfishness; or for, if possible, those still more blamable, because better educated, scions of fashion who give their short orders for their gala dresses to be ready by the rapidly approaching day when they are to shine 'the cynosure of neighbouring eyes,' and whose robes should, if it were possible, be bedecked by the congealed tears—those 'pearls of great price'—shed by the friendless girl just bursting into womanhood, who follows her dreary task the live-long night, till heart and soul and hope and feeling are crushed, the world appears desolate and blank, and all is chaos and bewilderment; while the tempter, it may be, steps in and secures his all but unresisting victim. The story is then soon told, and the covetous merchant and the fashionable lady have left another, albeit unacknowledged, legacy to their country."

Much, we conceive, might be done by educating women in trades which should render them more inde-

pendent, such as the watch-making movement, and others of that description. Women, we think, might well take the place of the man-milliners, as they are fittest to wait on their own sex; and we question whether the evidences of modesty in the ladies of the day would not be strengthened by their ceasing to be served in articles of dress by men.

In taking leave of this subject we desire to transcribe some sentences from a leading article in the *Lancet*, July 17, 1858, occasioned by Dr. Ryan's publication. We rejoice that a periodical of such extensive circulation has taken up the subject. This argues well for reformation.

"We would not," says the *Lancet*, "block up the avenues of mercy to the fallen ones. We hold that foundling hospitals have done and will do good service in preventing infanticide, and we do not sympathize with the cry against them. They are the instruments of a compassion much needed, and far different from the ill-judged levity which we have condemned. But the society which is so indulgent to a deadly crime is pitiless to frailty. Yesterday's journals told one such case—thousands are yearly wrought out—of the refined tyranny that would drive off the fallen one, and place before her a cheerless and stormy future, where every hope is wrecked, and every aspiration baffled by the pitiless scorn of her own sex. Such rigour towards the erring contrasts strangely with such indulgence to the sinful. It offers a direct premium to infanticide. The common experience of the surgeon brings most often under his eye flagrant instances of child-murder; the child is a dreadful burden to the poor, beaten-down, desperate woman; it drags her from the surface down to the very ooze and muddy depths of society. The law promises her a cheap immunity from punishment. We know the murderous end. None can say how often this train of reasoning has fired the brain of the infanticide. *The question is one of national importance.*"

We may add, in the words of Dr. Chowne, "if Dr. Ryan, by exhibiting the horrors of infanticide, showed the public how little well educated men sympathized with illicit child-murder and abortion by poisons, he would be a public benefactor."

We now turn to Dr. Churchill's "Reply," which we have placed at the head of this article. We regret that he is not satisfied with our "theological reasoning," as there can be no doubt that it is far superior to, and far more argumentative than any which he himself brings to bear. Indeed,

on a moral question of so very momentous a nature, we could scarcely have believed that any side could be so poor in argument; and the impression left on our minds is still more painful than before, because it is evident that there are writers who can treat the very deplorable subject of craniotomy as an ordinary incident of life, and who think that it can and ought to be disposed of with the same matter-of-fact reasoning which we apply to the daily interchanges of commercial or other every day occurrences. There appear no feelings of compunction, no oppression of the mind at the thought that any circumstances should render it necessary that the skull of a living human being should be pierced by an iron instrument, and its brain broken up, more than if that skull and brain had belonged to one of the lower animals; all is reasoned as coolly as if a soul were not in question, and a life to be taken; and if we felt saddened at seeing by the Review how frequently the instruments of death are used, and with how little uneasiness of mind to the operator, we are still more oppressed by the conviction, caused by this Reply, that the evil of this mode of practice is widespread in this country, and is looked upon with as little horror as if it had been any ordinary operation. All Dr. Churchill's arguments seem "of the earth, earthy," and scarcely does he wing one flight above mundane considerations; scarcely does he follow for an instant the soul which he causes to depart, or pause on the long eternity to which he ushers it in. Indeed, all that has been got by the appeal on behalf of the imprisoned child is, what was already in the book reviewed, that if any other means of delivering it safely existed, its skull should not be broken; as if any body of men were so little influenced by feelings of responsibility in a Christian nation, as to kill children in cases where they *could* be brought into the world safely "*per vias naturales*." Surely the child has little to be thankful for! That we may not in any way cause an impression contrary to the intention of the author, we give the words themselves in which this is laid down. "So that, without hesitation or limitation, I would lay it down as a canon, that craniotomy is never to be contemplated when a living child can, by any means compatible with the safety of the mother, be delivered *per vias naturales*, and upon this rule I invariably act." Now, is it not gratuitous to inform the world that if a living child *can*, by means compatible

with the mother's safety be delivered, it shall not be murdered in order to bring it into the world? Who on earth of all the race of Adam would think of "contemplating craniotomy," where a child could be born without it? Such an idea would be worthy only of a madman, for no human being, of any sect or creed would, as a rule, be likely to adopt it. But the expression serves to show how loosely opinions on the subject are entertained, and how generally this looseness governs the minds of the non-Catholic part of the medical profession.

As the tenets of most Protestants, in accordance with the Church, inculcate the necessity to salvation of baptismal regeneration, one would think that something definite on that point, at least, should pervade the minds of the Protestant portion of the medical profession, if not the minds of the Protestant community generally; but there could be no greater mistake; for although Dr. Churchill does "not deny," "that baptism is one of the Sacraments," "generally necessary to salvation"—a curious sort of negative admission, by the by, or rather of non-negation, by a Protestant, of one of the two Sacraments of his Creed—yet he believes in its efficacy only in those cases where it is "possible;" and these are the very cases in which, as we shall shortly show, he considers it an impossibility. His system however teaches the necessity of baptism to salvation; but putting aside for a moment that on which Dr. Churchill says Holy Scripture is silent,—baptism of children dying in utero;—let us ask whether Protestant medical men as a general rule are particular about the baptism of children who are born into the world weakly and dying, in whom the breath of life lingers for a moment before the soul takes flight; are they solicitous to give what here at all events is not only possible but easy—that which their system pronounces necessary—the benefit of baptism to such as these? We appeal to the first principles of Christianity, and ask this question in all charity and good feeling, and in the hope that it may call the attention of Protestant medical men to what their system considers necessary to spiritual welfare, but of which we fear they take but small heed. Over and over has it occurred to us while sitting at the bed side after a confinement, while the breath of life could be little more than said to exist in the dying infant, and at the risk of professional injury, to hint at the importance of having the child bap-

tized; a rite considered absolutely necessary as well by the patient's creed as by our own; and often have we seen the gleam of satisfaction at the thought, but at the same time an evidence of ignorance even as to the mode in which the rite was to be administered. Often in such cases have we offered to show the party how to do it, or to do it ourselves, the latter of which was usually preferred. We have even been taken to task by "ladies' committees" and by the "Rector" for such interference, although this happened miles from a minister for whom, the spirit being all but on the wing, it would have been useless to send; and useless perhaps in another respect, that at midnight and in mid-winter with snow knee-deep, he would not come if sent for. One is almost tempted to ask, does the establishment really believe in baptismal regeneration? If she did one would think it utterly impossible that she could be so lukewarm on the subject; and we know, that thousands upon thousands of her members scoff at the idea that a person cannot be saved unless baptized. We have thus a system which does not enforce the observance of a rite in the necessity of which it professes to believe, and a people that pretends to belong to a system whose doctrines they ignore.

Again, let us ask, do Protestant medical men ever take any trouble about baptizing children thus in a dying state? and we may as well at once answer the question ourselves, by saying that they rarely do. Very probably, like the poorer class of patients themselves, they do not know how to administer so simple a rite; and this all the while that their creed teaches it to be necessary to salvation, or at least "generally necessary." Generally necessary! "it is or it isn't, you may or you mayn't." Now what sort of slipshod theology is this upon so important a matter? But, as baptism is one of the great points in dispute in this matter of "Obstetric Morality," it is mentioned here to show how lightly any thought of it lies on the breasts of many Protestants who are about to perform—if the name may be given to such butchery—the operation of craniotomy. We venture to say that in general it never crosses their minds for a single moment, or enters into their consideration; and this simple fact will at once account for the difference in the proceeding of a Catholic and a Protestant attendant. With one the thing is a sacrament and really necessary to salvation; with the other it is a business that rarely troubles his conscience.

Dr. Churchill gives us *his* opinion that in cases of craniotomy the child's soul is not lost, but on a point of doctrine we prefer the authoritative opinion of the established Church. In the "ministration of public baptism of infants," in the Book of Common Prayer, it is stated that "none can enter into the Kingdom of God except he be regenerate and born anew of water and of the Holy Ghost." Again,—“look upon this child; wash him and sanctify him with the Holy Ghost, that he, being delivered from thy wrath may be received into the Ark of Christ's Church.” Here there seems no half admission. But, says Dr. Churchill, the injunctions of scripture refer to cases where baptism is possible; but not to cases where it is impossible, viz.: those in which craniotomy is necessary. But he assumes the impossibility without sufficient grounds. If he perform the Cæsarean section instead of killing the child, he does his duty, gives a chance for life to both mother and infant, and renders his assumed impossibility as regards baptism a possible and an easy proceeding. But if the teaching of any sect be loose and slipshod upon any point, the practice of its members will be so too; the teaching will be easily traced in the individual practice,—“by their fruits shall you know them;” and we may well affirm that if the doctrine of the Establishment were as well defined as that of the Catholic Church, and as rigidly enforced, we should hear much less of craniotomy than we do; and we should often hear of that of which we do not now hear, Protestant members of the medical profession anxiously occupied in giving private baptism to dying infants, and thereby causing, according to their own prayer-book, a soul to be received into “Christ's Church.”

Dr. Churchill complains that the Reviewer of his work had not referred to the 3rd edition instead of the 1st, written sixteen years ago; we think however that this complaint can be material in one or two cases only. As for instance if the operator's opinions regarding the frequent necessity of craniotomy had undergone a great change in the direction of the Reviewer's wishes, or if he had omitted the free and easy passages, in which directions were given for proceedings in order to completely break up the brain, and so insure the death of the child, so that the mutilated object should not by its writhing disturb the equanimity

of the patient and her friends, (as has sometimes happened,) or disgrace the operator. But no; craniotomy itself is more cried up than ever in the late editions, and the directions to insure the death of the child are equally specific and equally painful to read. Let us then take Dr. Churchill upon his own grounds. He admits the necessity of baptism, but not where it is impossible. But what care can he have for the eternal salvation of that soul which, were it not for his stern directions *to kill the child wholly*, could even in its writhing and mutilated state, have yet the benefit of baptism? *There* at all events he had the power of bringing the child alive into the world, and so by baptism saving a soul. Surely this much was due from a Christian to the unfortunate, mutilated infant. But no; the immortal soul is forgotten—"holy Scripture" is forgotten—"duty, shall we not say, to God, is forgotten—the "one thing needful" seems to be to avoid disgrace (eternal disgrace was not thought of,) on the part of the operator, and "the distress of the patient and her friends." Far other feelings, one should fain hope, might have swayed the thoughts of both operator and patient at such a time; the consideration that there was still a moment to benefit by what the establishment, as well as holy Scripture, lays down as the regeneration of the soul by water. Surely it must here be admitted that a soul has been allowed to be lost most unjustifiably. How under such a penalty could the poor infant be sent into eternity with its heavy weight of original sin upon it? For this we can see no excuse. The child *could* be born alive though mutilated, but the operator's disgrace and the patient's feelings made the poor soul's safety kick the beam. The child, he says, in such cases, "cannot be born alive;" yet see how he contradicts this by showing how its death is to be *insured* by *perfect* mangling before it is allowed to be born! With those who really believe in baptism it is not too much to say that the child ought to have every chance that could by possibility be given it. It was this feeling that gave rise to the question whether in cases of danger the child could be baptized in utero, which was answered in the negative by St. Thomas Aquinas, who considered that the child must be born before it can be "born again"—*natus* and *renatus*. The doctors of the Sorbonne took a different view, declaring that the child could be baptized in the womb, and that by the application of the

usual forms.* We cannot allow Dr. Churchill to put "aside the question when the soul is first joined to the body, on which subject holy Scripture is silent," because of his scarcely admitted belief in the absolute necessity of baptism, and because this belief may lead many to procure abortion—for it is not *premature labour* before the 7th month—under the feeling that life does not exist, or at all events that the sin of destroying the child may not then be as great as at a subsequent period. We must then show how jealously this matter was guarded by the Fathers and early authorities of the Catholic Church, and with what horror they should contemplate any destruction of the infant.

There are cases where the circumstances are such as to render it physically impossible for a seven months' child to be born alive by any possible skill. "I do not see why abortion should not be induced at an early period in such cases." So says Dr. Churchill; and it may be remarked that it matters little whether those whose "comfortable creed" permits them to deal so lightly with a living being, do the deed at an earlier or a later period. Not so with others, whose convictions are differently moulded. In our former Review many proofs are given that life exists from the very moment of conception, and it may be added, that such is the conclusion come to by the most eminent physiologists of the age; but even amongst the heathens there appeared more reverence for the sacredness of human life than amongst some moderns; for Hippocrates, Aristotle, Galen and Pliny, endeavoured to fix a time when, as they considered, the child became animate and even Aristotle's views regarding the procuring abortion were much influenced by the circumstance of the mother having quickened or not. Lawgivers in different ages were much influenced by the dicta of these great philosophers, and more particularly "propter auctoritatem doctissimi Hippocratis," and

* The Doctors of the Sorbonne decided as follows: "Nous sous-signés docteurs en théologie de la faculté de Paris, sommes d'avis, qui si l'on ne peut tirer l'enfant sans le tuer, l'on ne peut sans péché mortel le tirer; et qu'en ce cas là, il faut tenir à la maxime de St. Ambroise,—*Si alteri subveniri non potest nisi alter lædatur, commodius est neutrum juvare.*"—Délibré à Paris le 24 Avril, 1648.

many laws were passed amongst the Romans, rendering abortion criminal only in cases where it occurred after the 40th day, that period being named when a male child, 80 days when a female child, became animated. The laws in the Christian period were influenced by the same opinions, and even in our own days the nonsensical dogma of Blackstone was laid down, that life is not considered to commence "before the infant is able to stir in the mother's womb." Truly some Christians are worse than heathens.

Look, then, to the early times of Christianity, and see with what feelings any interference with the life of an unborn child was thought on. When Tertullian, born about A.D. 150, threw back the accusation of the Romans that the Christians killed their children, and showed that it was with themselves, after different modes, such things were done, he also showed that Christians would at any time be horror-stricken to interfere with what is in the womb. "*Nobis vero, homicidio semel interdicto, etiam conceptum utero dum adhuc sanguis in hominem delibatur, dissolvere non licet. Homicidii festinatio est prohibere nasci; nec refert natam, quis eripiat animam, an nascentem disturbet: homo est, qui est futurus; etiam fructus omnis qui jam in semine est.*"

The doctrine of the Stoics was altogether negatived by the canon law of the Church; and Sixtus V. inflicted severe penalties for the crime of abortion, no matter at what period. The law, granting that life commenced at the period laid down by the philosophers, pronounced the abortion even of an *inanimate* fœtus "a grievous sin, which cannot in any way be extenuated, as it prevents the life of a man who is to be." These are no new-fangled doctrines; and here is a case that pertains to the craniotomists of to-day, for all will allow that with many reputation is far dearer than life;—that life which in the mother people now-a-days do such daring acts to preserve, going so far even as to destroy the child's. The following proposition was at once condemned by Pope Innocent II. "It is lawful to procure abortion before the animation of the fœtus, lest the girl, being discovered pregnant, *might be killed or defamed.*"

"Murder," says Tertullian, "is murder in any shape;" and some illustrious men of our own country,—Jeremy Taylor and the Rev. Dr. Percival amongst the rest,—take the same view. The latter says, "To extinguish the first

spark of life is a crime of the same nature, both against our Maker and society, as to destroy an infant, a child, or a man." Dr. Beck says, "However objectionable such an opinion may be, yet the fact is certain that the foetus enjoys life long before the sensation of quickening is felt by the mother. Indeed, no other doctrine seems consonant with reason or physiology but that which admits the embryo to possess vitality from the very moment of conception."

The learned Italian physician, Zacchia, wished to strike a mean between the 40th and 80th day, desiring both male and female to be reckoned as animate at the 60th day, and to have all considered as guilty of homicide who procure to be cast out by abortion a more advanced conception of two months.

"'Thou shalt do no murder.' 'Whoso sheddeth man's blood by man shall his blood be shed, for in the image of God made he man.' If the latter text," says Dr. Churchill, "be more than an authorization of capital punishment for murder, which I do not deny, it is clear that it must be subject to limitation, otherwise it would prohibit killing in self-defence, and it would render war unlawful. If, then, it be thus modified, there is no reason why the limitation may not be extended so as to include the operation in question, provided I can show that it cannot be justly considered a breach of the sixth commandment."

The above sentence is not very clear; the "subject to limitation," we take it, must have been intended to mean capable of extension; and let us assure the writer that the laws of Moses, as well as the Catholic Church, have always considered it lawful to kill in self-defence. One man might, by the laws of Moses, lawfully kill another; 1st. When a murderer was found out of his place of refuge; 2nd. In self-defence; 3rd. In defence of another Israelite. But no one is likely to agree in the latter part of the above sentence, or to admit that it follows that killing a poor innocent unborn babe, on whose part there has been no aggression, is allowable by any perversion of the law of Moses. Such would be the maddest jump to a conclusion that was ever taken. However we shall agree to it on Dr. Churchill's own terms. But *can* he show what he "provides" to do? He does not even make the effort, and he might as well not, as it would be useless to attempt to prove what is impossible. Besides, although the law of

the land" may make a distinction between "murder" and "killing," it is as well to remark that the above text is also read, "Thou shalt not *kill*." "You have heard that it was said to them of old, Thou shalt not *kill*," Matt. v. 21; Deut. v. 17. Were "killing no murder" to be satisfactorily proved as regards the law of the land, no "conscientious quibble," even with the dullest conscience, can make it so as regards the law of God. "Thou shalt not kill," says holy Scripture. True, say the medical commentators of the Established Church on the Bible, unless where it is necessary to secure the mother's safety, or to prevent her running the least risk of danger. Soothing but daring "mental reservation!"

We defy Dr. Churchill to point out any text, even by analogical reasoning, in the New or Old Testament which will justify him in killing the unborn child, in order to save the mother, or under any other circumstances. He will be unable to show us any such texts, and "the law of the land, which is the highest practical exponent of the law of morals," according to him, will stand him just in as little stead—he leans on a broken reed. But first, the law of the land, the highest exponent of the law of morals! Not so fast; let us see. There have been laws so bad, so tyrannical, and so bloodthirsty, that they have been obliged to be expunged from the statute books of different countries, and are now looked back upon with feelings of shame, that human beings ever submitted to their yoke; yet they once ruled supreme, and according to Dr. Churchill, must have been at least *pro tem* the highest moral exponents! Again, our works on moral theology tell us that we may with propriety oppose, nay, that it is our duty to oppose, unjust laws, because being unjust in themselves it would be a greater crime to obey than disobey them; yet all the while these very laws, according to our author, are the highest exponents of the law of morals! No, no, a proper exponent of the immutable laws of morals must be sought elsewhere. He says, "I have proved the destruction of a child under such circumstances is not murder, but justifiable in law." As we challenged him on the divine law, we now challenge him on the law of the land, on which he rests his justification, and we defy him to prove that he is in any way justified by that law in even killing—as he objects to the word murdering—a child. He will find no such justification. He has laboured hard

to show from Coke, Hale, &c., that "malice prepense" is necessary to constitute murder in the eye of the law, and to prove that in killing a child, to save the mother, no such malice exists, either express or implied; and his reasoning appears to us of the most unsatisfactory description, as he grounds his excuse on the fact that he is only killing a child which must in the course of a few hours die by the fiat of the Almighty. Dangerous ground this to stand upon! He without whose knowledge and will not a sparrow can fall has scarcely delegated His power thus to human hands.

The Cæsarean operation on the living mother appears to have been performed very early among the Jews, and is described in the *Mischnejoth*, says Dr. W. Campbell, "the oldest book of this people, supposed to have been published 140 years before the birth of our Saviour, or, according to some, even antecedently to this period. In the Talmud of the Jews, also, their next book in point of antiquity, the Cæsarean operation is mentioned in such terms as to render it extremely probable that it was resorted to before the commencement of the Christian era. In the *Mischnejoth* there is the following passage. 'In the case of twins neither the first child which shall be brought into the world by the cut in the abdomen, nor the second, can receive the rights of primogeniture, either as regards the office of priest, or succession to property. In a publication called the *Nidda*, an appendix to the *Talmud*, there is the following remarkable direction: 'It is not necessary for women to observe the days of purification after the removal of the child through the parietes of the abdomen.'"

If we were to argue by analogy and to carry out this doctrine, that we only kill a child that must in any case die in a few hours, to its legitimate result, we must immediately arrive at the most extravagant conclusions. We must acknowledge that a mother and child being placed on a raft in mid-ocean, with food sufficient for one until support should arrive, but of which, if both are to partake, death is inevitable, there not being sufficient to support two; we are forced by a parity of reasoning of this sort to say, that, had we the power, we should be justified in pushing the child off the plank to sink into eternity, in order to save the more important life of the mother. Will it be "admitted," then, "that, *killing*

this child, which can by no means" live until succour comes, "but the prolongation of whose life, even for a few hours, will most seriously, if not irreparably endanger that of the mother," is not murder? It is "not murder," "we only *hasten its death!*" If this doctrine were pushed to its full extent, it would justify a father, whose stock of provision was all but run out, and starvation imminent, in murdering his child or children in order to save his own and his wife's life. If two men were on a plank in a stormy ocean, with food enough to enable *one* to weather the difficulty, but of which, if *both* partake, both must inevitably die before assistance can reach; this will by no means justify one in killing the other, even on the plea that he were "only hastening his death, which, under any circumstance, must take place in a short time." Neither "conscientious quibble," nor want of it, will avail here. When the prisoners of war at Jaffa were massacred, partly because if they were to be supported there might not be food enough for the entire army, how could Napoleon be blamed; he only "hastened their deaths;" and when the French invalids and wounded, at the same place, were poisoned, if the account be true, how could the same general be blamed? He only "hastened their deaths," in order to preserve them from more horrible deaths at the hands of the Turks. "The painful act," says Allison, "may perhaps be justified not only on the grounds of necessity, but of humanity." We do not agree with the historian; the idea would be more in unison with those of the heathen philosopher than with those of the Christian wayfarer. Murder is the designation of the deed, and there was real religion in the reply of the chief of the medical staff, which the same author says, "history must record with admiration;" when the proposal was made to him, "My vocation," said he, "is to prolong life, and not to extinguish it."

The episode which was blazoned abroad as having lately taken place at one of the sieges in India, and which, for the honour of a Christian nation, we are glad to say, was only imaginary, of an officer pressed to the last, and when all hope had fled, turning round and shooting his wife, in order to save her from dishonour as well as death, at the hands of the enemy, and then putting a pistol to his own head and blowing out his brains, was received as a very chivalrous deed. He only "hastened" her death.

and his own, in the public mind ; yet had the facts been as stated, he would have been guilty of a murder and suicide, which nothing could justify.

It might be added to the legal opinions just quoted, that the child in utero, not being in *rerum naturâ*, or "reasonable in being, and under the king's peace," an indictment for murder could not stand. But let us see how the case really stands. ¶The expulsion of the contents of the uterus before a certain period of pregnancy, is called "abortion;" not that the law makes any distinction of this sort, as the term abortion applies to the expulsion of the foetus at any period of pregnancy, and in this sense it is equivalent to the term miscarriage. The law makes the attempt to procure abortion a felony (7. Wm. IV., 1. Vict. c. lxxxv. s. 6.) It enacts that "Whosoever with the intent to procure the miscarriage of any woman, shall unlawfully administer to her, or cause to be taken by her, any poison or noxious thing, or shall unlawfully use any instruments or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years." By this law, *capital punishment*, which formerly existed, and depended upon the senseless distinction whether the woman had "quickened" or not, was abolished. Simply then, as the law now stands, the procuring miscarriage by craniotomy, renders the party doing it amenable to all the pains and penalties of felony. So much for the law of the land, this "highest practical exponent of the law of morals;" and so much for the protection it gives to the craniotomist. Well may some people say, "save us from our friends." Where, now, has Dr. Churchill proved "that the destruction of a child under such circumstances is not murder, *but justifiable in law*?" In fact, the law was too cautious in the face of the world to make any such provision; the practice has been merely winked at, barely tolerated, and it becomes simply a question if it were demanded to put the law in force, whether the craniotomist must not be brought within the statute and convicted of felony. And we may add that it has been ruled, and not very long since either, that though in this attempt at miscarriage, the child may be brought forth *dead*, and so

the penalties of felony be not incurred ; yet should the child after the maltreatment, be brought forth living, and afterwards die of its wounds, the offending party becomes liable to be indicted for manslaughter. Good reasons, then, are there for "completely breaking up the brain," other than and in addition to "the disgrace of the operator, and the distress of the patient and her friends."

Indeed, throughout this discussion there appears no conscientious scruple about sacrificing the child provided it be necessary to the safety of the mother ; not the slightest. It is said, "If some risk be occasionally incurred to secure a living child, extraordinary care must be taken to render that risk as small as possible." The great argument for craniotomy is, after all, the importance to her husband and family of the mother. We are told to look at "the husband, whose happiness is bound up with the life of his wife, and who has intrusted that to us ; other children it may be, whose well-being is dependent upon their mother ; to say nothing of a circle of friends and dependents, who look to her for comfort and guidance." Were ever such arguments urged to justify the killing of a human being ? But carried out to their legitimate conclusions, what do they amount to but this, that the doctor or the husband, or both have it in their power, according to the relative value of the life of the mother or child, to choose which to preserve, because as suggested in our former Review, the woman may be, instead of a blessing, a curse to her family ; instead of being one of the best, she may be one of the worst of her sex ; instead of being a happiness to her husband or her friends, she may be his aversion and be friendless ; and with all this she may be a woman in the last stage of consumption, her life may be counted, not by years or days, but by hours, and the tiny infant may be the heir to a mighty empire, whose ruler may be an old and decrepit man, to whom another heir is unlikely ever to come,—a realm's peace or confusion may depend upon the issue ; and if any one should for one moment dare to carry the reasoning above suggested to its practical results, the weaker and more useless life must succumb.

We can assure Dr. Churchill that he will find "those in this country," to take the Reviewer's "advice about the Cæsarean section ;" and we further tell him that in such case he is mistaken when he says, "Any one who would

venture to do so would, I have little doubt, find himself put upon his defence before the tribunals of his country, and in the hands of a jury who have wives, and value them." We have not come yet quite so far as this insane threat would imply. No civilized nation on the face of the globe would dare to bring a medical man before its tribunals and punish him because he conscientiously refused to murder. And if any should, and the penalty should be even capital punishment, martyr need suffer in no more glorious cause, and the first victim of such an injustice would have sounded the death-knell of the operation. Better abide by the injunctions of Him who can send both soul and body into hell, than to fear those who can destroy the body only. The alternative at all events would remain for every conscientious man of casting off a profession sullied by the enforcement of such demands. The laws on the contrary give protection on the other side, and those against felony in this regard are not yet repealed.

We do not require the spirit of prophecy to say that the period will arrive when this disgusting and most reprehensible operation will be looked on with due horror, and be peremptorily declined during the life of the child. Where the child is dead there can be no question as to the propriety of the proceeding, the only one in many cases admissible.

But what shall we say of that state of morality which allows the operation of craniotomy on living children, with the same woman, to the third, fourth, or fifth time, or oftener, as the case may be? And how little do we see this touched upon in works of midwifery? It is only, we believe, Dr. Denman who questions the moral propriety of *repeatedly operating* on the children of the same woman, under the impression evidently that here at all events something very much akin to murder was being committed; and he very properly says that the woman whose children cannot possibly be born alive in the usual course of nature, ought to take her share in the risk, by being obliged to submit to the Cæsarean section.

Why has not this most important point of morals been properly discussed, or rather, why has it altogether been eschewed among British practitioners—those who are ready to kill the child in all cases where the safety of the mother requires it? In the Cæsarean section the medical man, in that god-like guise which peculiarly belongs to

his profession, under certain unhappy circumstances directs his scientific knowledge to the object of relieving two living human beings. But in craniotomy his only idea of relieving a woman is by "killing her child;" that is his only alternative in such case, and a most fearful one it is. And that this alternative has often been wantonly adopted, there is but too much proof, as well as that it has been often done, and by men of good judgment, where it could have been avoided; and still more often by men of self-will, or, mayhap, self-satisfied ignorance, where it was not even necessary. Indeed, we have heard men speak of their having broken up the brain of a living child with a pert jauntiness that was sickening, as if they had done some brilliant operation, and without the slightest feelings of compunction that they should have been forced to so dire a proceeding.

This sort of thing seems also to influence the tone of the public mind. We have heard it said, Mr. or Dr. so-and-so "had to kill the child," and this without much appearance of feeling about the nature of the transaction.

The manner in which the subject of craniotomy is approached by British writers gives cause for much regret. Few or none seem imbued with a full sense of the seriousness with which a subject where a life is at stake should be approached; and we can only hope that this feeling of want of due regard for the life of the child may not further extend to and influence, as it may have already extended to and influenced the mass of the people, or at least that part of the mass that may have wantonly sacrificed infant life. The gross and growing materialism of the day needs no avoidable impulse. Example of this sort is soon caught up by those who are but too anxious in self excuse to point to those higher in rank than themselves as a palliation of their wrong doing. To be sure some British authors did look upon the matter in its proper light, and an English writer to whom Dr. Aitkin alludes called the operation, "Murderous." By others, such as Weidemann, and Crantz it has been called "*Facinus nefandum*."* "*Homicidium*," &c. Some too,—and these we are happy to say we are almost sure to find Catholic,—seem to entertain a proper horror of

* *In fœtum vivum, uncas et perforatoria adigere, nefandum facinus est.*

becoming the executioner of a child, and refuse to operate while life remains. The late eminent Dr. Michael Ryan was one of these, and in his "Practice of Midwifery" he says he never operated on a living child, feeling that no man was justified in doing so; at the same time saying he never lost a mother in whose case he had performed craniotomy on the dead infant. Others again argue the case as if they did not belong to the Christian family, as Dr. O-borne,* who because he believed that he had once succeeded by craniotomy in a case of great difficulty, considered the Cæsarean operation unjustifiable in any case. The case on which he built his doctrine is generally believed to be imaginary—the difficulty did not exist to the extent he thought. Some of the older authors, as Burton, who wrote in 1751, are sufficiently favourable to the Cæsarean operation in many cases; and as to its performance after the death of the mother, he cites authorities to show that the child has been found alive hours after her death. Amongst the rest Dolœus, who says the bystanders saw the child continue to move for 12 hours the day after the mother died of a fever, but that a surgeon not being available it was not rescued; and he refers to two other cases to the same effect.

Although we have no great faith in any system of statistics as applicable alike to craniotomy and the Cæsarean operation, still we can show, and, indeed, Dr. Churchill himself has shown in his book that the latter has no small share of success; however, the Doctor has, in his anxiety for his pet operation, tried to diminish that success in his "Reply." Strange, indeed, that equally successful statistics should be expected from those who do not destroy the children as from those who do. Even the Professor of midwifery to University Hospital, Dr. Murphy, considers if the ratio of deaths were equal in the two procedures, or even as four to three in the case of the Cæsarean operation, it might be well to adopt it! But if such a ratio could be secured, who then would be guilty of bloodshed in killing the child? Surely this is expecting far too much.

* "He seems," says Dr. Aitkin, "to set by far too low a price upon the unborn child. I am afraid lest the specious arguments of this ingenious author should induce practitioners to recur to excerebration without proper warrant."

We felt much pleased to see the considerate manner in which Dr. Murphy introduces the subject, and we shall by and by have reason again to refer to that gentleman's practice with feelings of much satisfaction, convinced that such enlightened views as his must lead in the right direction, and that such as he will long hesitate before they kill a child, where means can be adopted, as he has practically shown they can be, to insure its life.

As to British statistics regarding the Cæsarean operation, it is acknowledged by all that they are useless, as it is never, or scarcely ever performed in time to give it a fair chance.

On the continent of Europe, as well as sometimes in America, on the contrary, it is done at a proper time, and the results are consequently favourable, more favourable now than even in former times. In 1581, Rousset gave ten successful cases, and amongst them was that of a woman named Goddard, who had been operated on six times. In the case of her seventh child, Guillot, her medical attendant, being dead, no one offered to operate, and the poor woman "died miserably with her child." Bauhin, the translator into Latin of Rousset's work, says he saw the operation performed seven times. Roonhuysius says Dr. Sonnius performed the operation seven times on his own wife with success to both mother and children. La Motte, Helvetius, Peyronie, all relate cases of operation successfully performed, and in some of the instances twice. In one case the husband of the woman, an illiterate man, in presence of the surgeons and midwives performed it, and in another case it was accomplished with success by Mary Donnelly with a razor, on a woman twelve days in labour. By the table Dr. Churchill gives, it appears that a surgeon at Paris performed the operation successfully on his own wife five times. Count Nesson performed the operation seven times successfully on the same woman.

Of the value of Dr. Osborne's opinion, (1783,) regarding the Cæsarean section, we can easily form a judgment by an extract or two. The same means will show us the peculiarity of his moral feelings; for he reasons the matter in a way that would make a heathen blush, and as if, the child's future state being wholly ignored, he had no soul of his own to jeopardize by his proceedings. We regret to see a strong family likeness between some of his expres-

sions and those of Dr. Churchill. He says, "For the certain preservation of the child's life the mother must be doomed to *inevitable destruction* by the Cæsarean operation." ".....but particularly by demonstrating the inconveniences and dangers attending it, endeavour to rescue my countrywomen from a new, (!) precarious, and I think preposterous operation, which, originating in France, has unhappily extended over all the continent of Europe." "In this unhappy dilemma, where one being must be sacrificed to the preservation of the other, where either the mother or child must be destroyed...." Is this not daring to make a choice which Dr. Churchill also, after making it himself, tells us "no man dare to make?" "While the loss of the unborn child too, as just described, is extremely small to itself, to its parents, and to the community; the mother being probably connected by all the dearest relations, as friend and daughter, sister and wife, her death must to society at large be a considerable, and to many individuals probably an irreparable loss. With these circumstances in our view, the loss of an unborn child becomes so inconsiderable, as almost to exclude the possibility of comparison." Here we see then an excuse is scarcely considered necessary for this lamentable proceeding. Baptism, or the eternal salvation of the child, never entered the mind of the writer. We sicken when we peruse this cool and worldly language. "The ancient authors describe it as only to take place when the child is already dead in utero.....Even in the present practice of this country to soothe our feelings we often wish to persuade ourselves that the child is actually dead before we operate." Is not this the prototype of the "conscientious quibble?" See also how strong human nature is, that "even in this country" people with the dreadful instruments at their side try to smother the warnings of conscience before they put "blood" upon their "hands;" that "damned spot" that they may vainly try in after life, when they are making up their own account for eternity, to rub "out." In this work there is not a sentence that could lead a Turk to infer that the writer belonged to a Christian nation, or that he was a member of a system that professes in its book of Common Prayer a belief in the efficacy of baptism. Such a thing is never mentioned. The whole gist of the matter consists in saving the better and more important life; and we may easily conclude which this is, when we reflect that

unborn children cannot plead each other's causes, whereas mothers with plenty of friends can. It is no wonder that a physician of the day endeavoured "to fix a stain of indelible barbarity" on these crotchety operations in "The Petition of the Unborn Babes," where they are made to complain pathetically of the severity and cruelty of their treatment.

"If even the thought," says Baudelocque, (translation by Dr. Hull,) "of using destructive instruments upon a living child, in order to preserve the mother, be afflicting to the professional man, who is acquainted with all the dignity of his office, how much must it distress him to repeat every year the same sacrifice in favour of the same woman. If the last resources, which we have to examine here, were as destructive to the mother as crotchets are to the child, marriage ought to be prohibited by wise laws to women so far deformed as to be unable to bear a living child. These laws would spare the virtuous man the pain of finding himself constrained sometimes to commit a sort of crime, greater, it is true, against nature than society, solely because he exercises a beneficent and consoling profession.....How often, after strong appearances of the death of the child, have we heard its moans, when just torn from the womb of the mother by a barbarous practice, at most excusable only in the first ages of the art? How often have we seen the scattered and palpitating limbs accuse this their destructive art, or the practiser of it, of a wicked attempt, which is so much the more shocking as none of the laws which protect innocence can punish it." Contrast the truly Christian language of this Catholic with that of the writer just before mentioned. While these lines are being written an acquaintance informs us of a craniotomy case of his about six years ago. The brain was partially broken up and the child was immediately born. "Was the child alive?" we inquired. "Alive!" he replied with a shudder, "*It almost cried.*" "May I never," he continued, "have to witness a similar sight." Most heartily did we join in the wish. We've "seen it once too oft." Nothing, says Baudelocque, but the previous death of the child can authorize the use of instruments for lacerating its body. He adds that "At the present day it is only by tearing this homicidal instrument from the hands of accoucheurs," they can be brought to see the utility and necessity of the Cæsarean section.

Baudelocque gives 66 cases in which it was performed with safety to 24 mothers, and admitting all the cases announced in his "Memoir," they amount to 73, in which 31 operations were performed with safety to the mother, and nearly all with safety to the children. Of the women who could not be saved were several for whom, previously to the operation, no hopes of recovery could be entertained. Such were those operated on by Paret, Ledoc and Gauthier, Vimar, Gilbert. The whole number of Cæsarean births recorded by Dr. Hull was 231, of which 139 were born alive, and 92 still born.

He gives in his Defence of the Cæsarean operation 112 cases, 69 of which were successful. The number collected by M. Simon of successful cases to the amount of 70 or 72, and which in fact were performed on a few women, shows, as Baudelocque says, that the operation is not of necessity fatal.

Dr. Hull concludes, 1st. That the Cæsarean operation has in many cases saved the patient. 2nd. That it has generally, if not invariably, saved the life of the child when performed at a proper time. 3rd. That cases do occur, (more often than is commonly supposed,) in which the ordinary process of nature is physically impossible, and consequently in which neither the parent nor her offspring can be preserved by any other means. He mentions three cases near Manchester in which the mothers died, without having their children brought into the world, and the infants perished with them. Did baptism cross the minds of the medical attendants? It was here "possible."

In our own immediate times we find the operation successful in three of four cases published in 1854, by MM. Faye, Mazier, Halder, and Nebel, one of them performed under the most disadvantageous circumstances. We notice, in the same year, eight cases, seven on the continent and one in America. "These cases," says the editor of the "*Abstract of Medical Science*," "are unusually fortunate in their results. In four of them, the mother and child were both saved. In two the mother was saved. In one the child was saved, and the mother lived for upwards of three weeks; and in the remaining one, the mother died, it is true, and from sudden hæmorrhage, but not until she had twice recovered from the same operation. The fate of the child, in this last operation, is not stated, but the child which was born by the second opera-

tion, lived for eighteen years." Now it would not be right to give these as ordinary statistics in cases of Cæsarean section, although Dr. Churchill brings down twelve cases of craniotomy in Dr. Joseph Clarke's private practice, all of which were successful, at the same time blaming the Reviewer for "specially" mentioning "that, in the same operations performed in hospital by Dr. Clarke, one of three of the mothers died;" a fact which the Reviewer took from Dr. Churchill's own book. It may also be mentioned, as a sort of set off on the part of the Reviewer that, while Dr. Churchill gives the above successful cases from Dr. Clarke's private practice, he had access to the record of cases at the Rotunda Hospital, October 1851-4, where of 38 crotchet cases, eight died, or 1 in every 4 $\frac{1}{2}$, but does not allude to the facts. It would not be right, we say, to give the above as average cases, because in ten other cases, only two mothers were saved together with eight children. At the same time it must be noticed that, in *three* of these cases, it was the *second* time of performing the operation. Dr. Churchill has, in some respect, a curious notion of statistics, for he finds that in consultation, he has had "recourse to craniotomy in twenty cases shortly after it became evident either that the child was dead, or that it could not be born alive; of these, all the mothers recovered well. In four other cases I was called in after the labour had been so protracted, that the mother's case was hopeless, and the operation did not save them; these, therefore, I exclude." Pretty modest this, by the by! But it will not do; there was here one death in six. But there is a further ovation for this heaven-sent crotchet. Dr. M'Clintock, it appears, has lately shown that of the two modes of practice, by the forceps, and by craniotomy, the latter is the safer for the mother! But we think we remember Dr. Churchill, in his Practice of Midwifery, shows quite the contrary. And we think we also remember that at the Rotunda, from 1851 to 1854, in cases where chloroform was administered, out of 82 forceps cases, only four mothers died, whereas out of 38 crotchet cases, eight died, or five times the mortality!

M. Stolz operated in 1855. This was the sixth case in which he performed the Cæsarean section, being in four instances successful both as regards mother and child, and with safety to the child in the other two. In the last case, the operation had been previously performed by Dr.

Bach of Strasbourg, under very unfavourable circumstances, three years previously. He enumerates fourteen well authenticated cases in which the Cæsarean operation has been twice successfully made upon the same patient. In two of them, the operation was performed three times, the mother not surviving the third. In one of the cases, the operation was performed with complete success four times. M. Stolz gives the names of the operators with the dates of the operations, in all the cases. In Germany, the Cæsarean is becoming quite a favourite operation, and the success which attends it, is getting yearly more and more.

Dr. Gentz, of Schwalbach, performed the operation lately on a rachitic woman. Dr. Wieckel performed the operation three times on the same woman. The mother resumed her duties in fifteen days after the last operation.

In 1851, M. Aerschodt performed it in a rachitic woman with safety to mother and child. The operation was performed by M. Sack also with complete success to both.

Professor Chrestien states that, since 1839, of 33 operations, 26 mothers were saved, and 20 children. He supplies references to most of them. He pays a just tribute of respect to the memory and regrets the death of Capuron, the ablest champion of the Cæsarean section.

Dr. Merrem (*Medicin Zeitung*) operated with complete success to both parties. Professor Simon, says the *Presse Médicale Belge*, has, within a short period from the present date, performed the Cæsarean operation twice successfully at Liege, although it is remarked the place is not healthier than other localities, nor its Maternité better as to condition, than other places of the kind.

The French as well as the Germans; indeed most European and many American Obstetricians, Dewees among the rest, give evidence in favour of the Cæsarean section, on account of the destruction consequent on craniotomy; and in many of these cases, the practice cannot be attributed to any "conscientious quibble," as the parties do not belong to the Catholic Church, but is owing to that great law of nature which even, whenever so grossly outraged, still tends to force the human mind into the right channel. And surely British obstetric practice offends in this respect, poor dame nature wofully. But it will never last; it outrages an unerring law, and the fashion must speedily have an end.

Scarcely does a single British author dwell upon the

sin of killing the child ; and all approach the subject without any feelings of responsibility, so far as it is concerned. Dr. Rigby says that the Cæsarean operation is never performed in this country except where the child cannot be brought into the world (after mutilation) in the natural way, and that under these circumstances it is scarcely undertaken for the purpose of saving its life, "it being considered preferable to deliver the child by perforation or embryotomy, even when known to be alive, than to expose the mother to so much suffering and danger." That which most surprises one in English authors is, what appears to us to be, an absence of moral feeling in the matter ; for when repeated craniotomy is the question, one would think the most hardened would revolt from lending themselves to its completion ; and yet, except Denman, we do not at the present moment, recollect any one who gives expression on moral grounds to the opinion that it should not be repeatedly performed ; and that the woman, with whom such a repetition can be necessary, ought to take her share of the risk by being obliged to undergo the Cæsarean section.

He who destroys the child, says Dr. Churchill, "without due evidence that it cannot be saved, *is guilty of murder.*" It is to be feared that the "due evidence" in many cases amounts to little, and that in unskilful hands, and with impatient people, this kind of proceeding takes place full often.

We were particularly struck with some cases Professor Murphy published in the "Association Medical Journal," 1853, vol. i. p. 229. We have there evidence of a discriminating mind, a sound practice, and a conscientious candour, and have no doubt that could we ascertain the facts of many cases they would show similar results. Such cases themselves, in the hands of observers like Dr. Murphy, cannot fail to be turned to good account. While we feel satisfied that under any circumstances he would not sacrifice life needlessly, we are equally convinced that the experience of these cases, which he so graphically describes, will make him if possible think more seriously of the subject than ever, and possibly tend to a practice which will save the lives of thousands yet unborn. We can only wish he would turn his attention to the moral aspects of the subject, and pondering how much the happiness or misery of another world may depend upon

the proper treatment of it, that he would free himself from the shackles of prejudice which prevail so extensively in this country, and adopt a rational, and under the circumstances a fairly advantageous, but above all, a sinless practice.

This able practitioner who has a proper estimate of infantine life, and brings to bear great practical experience, has in one case presented a living child to a woman who had had seven previous ones born, the skulls of several of whom had been broken up by the dreadful perforator. According to the text-books of the day, we must conclude that Dr. Murphy's practice was very wrong in subjecting this woman to any great amount of danger; according to these bad instructors he ought deliberately, like his predecessors, to have slain a child without compunction or regret. His own conscience, however, and the verdict of all right-thinking men, must console him in the knowledge that in discarding the ignorant and inhuman dogmas of the day, he did his duty as a man and a Christian. But let us ask how these gentlemen, who had previously killed the children of this poor woman, felt when they heard the result of the eighth case? No doubt the previous craniotomy cases were well cried up about Camden Town as exquisite models of perfect midwifery; no doubt those whose boasting ought to have been their shame, recounted with great self-satisfaction, and self-laudation, their former deeds of darkness; but if any feeling remained, how must they not have been put to the blush by the above result? Oh! that we could be led to believe it tended to a better mode of practice on their parts. We cannot, however, but hope, that had any of these men been called to subsequent confinements, they would long have hesitated before, in presence of the public, and with this last transaction staring them in the face, they would again have used their destructive weapons. The lesson ought to have been a severe one—would that they could profit by it!

There is another class of cases stated by Dr. Murphy to which we would invite special attention, namely, those of *Impaction of the head*. We regret that the nature of our publication prevents our doing more than refer our readers to several of the very remarkable cases of success under most dangerous circumstances, which are narrated by Dr. Murphy, and which clearly demonstrate how much

can be done by a combination of patient skill with a due regard for infant life. We can, however, only allude to them for the purpose of shewing how very great he considers his responsibility to be when life is concerned, and how a well informed and conscientious man can overcome difficulties which to another, if not less informed, at least less conscientious, may appear insurmountable. Many of these cases we doubt not would, according to the directions of most of our obstetric physicians, have come under the axiom of Dr. Churchill, that "He who destroys the child without due evidence that it cannot be saved is guilty of murder." Dr. Murphy states as the result of his experience that for the class of cases to be met with in London, "the operation of perforation should be very seldom performed." He considerably goes on to say, "I delay the operation as long as possible, to avoid destroying the child." If the child can be saved by the forceps he uses it as soon as possible.

Regarding "premature labour," Dr. Churchill needlessly exults at the fact of its having been first promulgated by Protestants. Amongst whom, we should like to know, could it be more likely to obtain an existence than amongst those who by their own doctrines and practice fearlessly destroy living children, and make Christendom blush at their deeds? Such would be but too glad to originate any mode that might render the slaughter less in present and after ages; but the sneer at the Doctors of the Sorbonne does not tell. They did perfectly right to pronounce as they did, under the circumstances that were before them, and with the fear, which the habits of many persons quite justified, viz. that the practice would be abused, that this mode of practice would be resorted to before the child was viable, and that therefore murder would be committed. If we want an authority for this conclusion we have only to turn to Dr. Churchill's own book, and there we shall find that if the child cannot be born alive at the end of seven months, we are to bring on labour before the child is viable. We are, in fact, to procure abortion—we had almost said criminal abortion, as defined in law. Were these doctors alive at the present day, they would see a complete justification of their decision, and a proof of their wisdom, in the practice recommended by Dr. Churchill himself. Speaking of cases where the circumstances will of necessity prevent the child being born alive,

he says, "I do not see why abortion should not be induced at an earlier period in such cases!" Surely not! Aristotle himself has nothing more self-complacent. Nay, not so much so. The Doctor is quite shocked that "even so late as 1827, on the occasion of a memoir presented by M. Coste, demanding if it would be allowable to bring on labour prematurely in females labouring under aneurism of the heart, the Académie Royale de Médecine pronounced the question, "inconvenient et presque immorale." Truly they must be a naughty set of boys at that same académie!—but there is "balm in Gilead" yet—there is a good time coming—and perhaps some of our own moral academies may not consider it either inconvenient or immoral if the demand be made, "Whether it would be allowable to bring on premature labour in the Duchess of Fitz-fuddle, who positively *must* go to a royal ball, with "the last night's dose yet *reeling* in her head," or in Lady Mary Worthless who cannot continually be bored by bearing and rearing children when they can be so easily got rid of. No doctors of the Sorbonne, nor other Doctors-Catholic, will be found to entertain such propositions unless to scout them. The Fitz-fuddles and the Worthlesses cannot apply to them in case of need. Neither to a heart diseased nor a "mind diseased" will they minister in any such wise.

We have only in conclusion to say that we are not acquainted except through his writings with Dr. Churchill, and that these writings, always excepting the "Crotchetty" part, are well calculated to excite admiration by their style and learning, and the laborious investigations they evince; so that we cannot have any personal feelings in this painful discussion. It would have been difficult or impossible to have avoided remarks that may not appear as kind as could be wished; but the subject requires plain speaking, and we address ourselves not so much to Dr. Churchill in his personal character as in the character of an exponent of certain views of the day. These views are, we feel quite convinced, erroneous and immoral; and we fervently wish that they may be changed for others more in accordance with religion and propriety. What is called the "common sense of mankind" is but too often common nonsense, especially when it severs itself from a religious and trusting hope in divine assistance. Science and religion *can* go hand in hand—the connection between

them is great and indissoluble—but science without religion is pitiable in its arrogance. It was the “common sense of mankind” that made Eve ponder and then persuade Adam to join his “common sense” to hers. And yet they had better have obeyed the law. “It was the common sense” of the Israelites also that set up the golden calf in the absence of their leader; and yet they had better have been trusting and obedient. It was “common sense” too that dictated the happy thought to “make a city and a tower, the top of which may reach to heaven,” and we know the result. In later days too, it was the “common sense” of mankind, in the unhappy days of France, that dashed religion from her throne and set up and worshipped the “Goddess of Reason,” and we know the penalty which “the reign of terror” inflicted:—and now in our own immediate times the “common sense” of mankind has given us in this country our “Goddess of Reason”—religious feeling in the matter being dethroned—to be worshipped under the form of craniotomy! would that we may soon see the end of it.

The statistics of Dr. Churchill’s own showing—were we inclined to rely solely on statistics in such a matter—should with all just men banish craniotomy for ever from the land, in the cases of living children. We are far behind the rest of the world in obstetric surgery;—our surgical operations in midwifery will stand no comparison for a moment with those of other countries; and we believe that many men in great practice would be unable to perform the ordinary Cæsarean section with even moderately decent skill. Let our countrymen mend their hands and their morals regarding this proceeding;—let them, as in Sicily, not be allowed to pass an examination before they can perform the operation on the dead subject with dexterity and propriety; and it may lead to the saving of very many lives, to the saving of some, mayhap, whose deeds of beneficence and philanthropy may, under Divine Providence, shed a lustre on mankind.

ART. IV.—1. *The Legal Observer*, for May and August, 1858. London: Butterworth.

2. *The Jurist*, 1853. London, Stevens and Norton.

IN this country the judges very strongly influence and reflect the character of the age. They have constant occasions to address the people in public courts upon all kinds of subjects, and to touch upon all sorts of topics, and they speak with such authority, and their words are listened to with such reverence, as to have the greatest effect. On the other hand, since for this very reason they are always chosen with great care, they are sure to represent very faithfully the pervading tone of the national character. Thus it was when Yelverton used to entrap priests into the confession which would imperil their lives under the penal laws, and say, with a sardonic chuckle, "I warrant you they'll not deny their orders." Thus it was when the mean spirit of Scroggs yielded to the savage bigotry, at which his own sense revolted, and allowed innocent men to be sacrificed before him until the tide had turned, and it was safe to go against it. Thus it was even in times almost our own—the times of Lord Eldon—when the late Mr. Justice Holroyd could not give judgment in a case as to a sale of some sugars, without having a fling at the equivocations of the Jesuits. Thus it has been, even in our own times, and not so long ago, when the late Baron Alderson, in giving judgment on the case of Alderman Solomons, as to the words of the oath, "on the true faith of a Christian," took pains to set forth that they were rendered necessary by the publication of a Jesuit treatise on "mental reserve." There have been great changes, no doubt, from the age of Yelverton to that of Alderson; but alas! something of the old spirit still survived.

The deaths of Alderson and Maule, the retirements of Parke and Coleridge, the recent appointments of Willes and Bramwell, Channell, Hill, and Byles, have so largely altered the constitution of the bench, as very much to change its character; and indeed, within the recollection of the writer, the bench has been entirely remodelled, not a single judge remaining now on the bench who sat upon

it at the period when these reminiscences commenced—a period of about twenty years, comprising the whole of the judicial career of that accomplished judge, Mr. Justice Coleridge. Judges like Coleridge and Alderson may be said to have embodied the conventionality of the age; they were complete impersonations of severe propriety, reverencing whatever was established, attached to “Church and State,” bred up in all the traditions of the establishment. They were both of them great scholars, Alderson a “senior wrangler” of Cambridge, Coleridge a “double first class” of Oxford; and as they were, at the time they passed away, the senior *puisne* judges, they might be taken together as very well representing the character, both of the English Bench and the English Universities. They respectively presented most completely the different results of the Oxford and Cambridge systems of education. Alderson’s mind was dry, hard, intellect; Coleridge’s mind was far more enriched with learning, and far more highly cultured. They were both of them men who might seem born to be judges, with a thoroughly judicial cast of mind; but for that union of dignity and urbanity, which so admirably adorn the judicial character, Coleridge was unequalled; and there is no one we can compare with him in that respect save one who was fourteen years his colleague, that most admirable judge, Mr. Justice Erle. But there is a great distinction between the dignity of the two men; in Coleridge it was more classical—in Erle more natural; in the one it was the official dignity of the judge; in the other it is the native dignity of the man. Probably, take him all in all, abating a little English obstinacy, Mr. Justice Erle comes as near as possible to the perfection of the judicial character; and certainly he is, on the whole, very generally esteemed as the best of our judges. It may serve to illustrate the character of these two judges, to state a simple fact, that the writer, who has known Mr. Justice Coleridge on the bench twenty years, and Mr. Justice Erle fourteen, and having practised much before both of them at chambers, where the judicial character is best tested, can safely state that he never knew Mr. Justice Coleridge for an instant lose his temper, and knew Mr. Justice Erle do so only *once*; which is far more than could be said of any other judge who has sat on the bench certainly during the last quarter of a century.

Amongst the thirty judges who have sat on the bench

during that period, it is remarkable how few *stand* out in one's recollection as men of real mark or note, or out of the common character of men. The law is essentially traditional, and lawyers are, as a body, particularly conventional; and it was only the dignity and accomplishments of Coleridge which at all distinguished him from all the rest of his colleagues. Until we come to the appointment of Mr. Justice Erle, some ten or twelve years later, there was only one other judge worthy of note, and that was Mr. Justice Maule. We except, of course, that most marvellous man, Lord Lyndhurst, whose vast abilities have long raised him far above the rank of mere judges, and classed him among the greatest of chancellors, orators, and statesmen. In Lord Denman's mental ability there was nothing great, and his moral character was alloyed by that love of popularity—a mere form of vanity—most pernicious in the judicial character, and which has been lamentably witnessed in his successor. Lord Campbell and Lord Wensleydale were, and are, and never could be anything but mere lawyers; in natural vigour of mind, resembling Maule and Erle, but differing greatly in this, that there was nothing in their mental character beyond mere vigour and power, to attract attention; whereas in Maule and Erle there was an originality very observable in a judicial mind. And this was especially the case with Maule. His judicial power of mind was well known before he sat on the bench. We remember, for instance, that Baron Parke, speaking of the decision of the Exchequer in a certain case, *publicly* stated in a subsequent case, that the learned argument of Mr. Maule (then at the bar) had convinced him that their decision in the former case was wrong, and it was accordingly overruled. This was a flattering testimony from such a judge as Baron Parke to the superior powers of Baron Maule's mind.

“Great let us call him, for he conquered *me*.”

And yet one could hardly institute a comparison between them. Their minds indeed had this in common, (although no doubt there were many distinguishing traits,) a rugged kind of strength and vigour; but the mind of Baron Maule was far more elastic on the one hand, and more tending to get at the substantial verity, and go to the pith and marrow of a case, than that of Baron Parke, who was far more attached to forms.

In subtlety of mind these great intellects all yielded to the late Lord Abinger, who for some years presided in the Court of Exchequer, where sat Parke and Alderson for upwards of twenty years, making it a very "strong" court. Maule sat there first, but did not sit there long, and was succeeded by the present Lord Cranworth, then Baron Rolfe, whose admirable judicial qualities were there first recognized and exercised, and ripened for the lofty functions of the Chancellorship.* Lord Abinger was "Mr. Subtle" in "Ten Thousand a Year," where he is admirably portrayed and contrasted with his predecessor, Lord Lyndhurst, and with Lord Brougham. There was nothing original in his mind, notwithstanding its subtlety and ingenuity, which lent him great felicity of illustration; as where in a case in which he differed from his colleagues in holding that assignees in bankruptcy could not sue upon a certain contract, he illustrated his argument thus:—"Contracts must be mutual: now reverse the case, and suppose a contract with Sir Walter Scott for a novel, would the bookseller like a novel written by Sir Walter Scott's assignees?"† In this great felicity of illustration the mind of Maule more resembled than any of his colleagues that of Lord Abinger, and it is a facility which always marks the possession of great play of mental power. It is a very rare quality. No other of the judges of the last twenty years could be compared with either of these in that respect, not even Mr. Justice Erle, of whom, by the bye, it may be observed, that his mind, like Maule's, has one only defect,—that it is not *quick*. In that respect perhaps no judge could be compared with Mr. Justice Cresswell, (the present judge of the Probate Court,) whose mind, on the other hand, wanted utterly the depth of Maule's or Erle's.

The mental character of Cresswell resembles that of Coleridge in this respect, that it is purely conventional;

* For clearness of intellect, and excellent common sense, he was not surpassed upon the Common Law Bench. But among the Equity Judges of the last twenty years, the one above all others (after Lord Lyndhurst) whom the profession would probably place highest, is Lord Justice Knight Bruce, of whom there is a most able sketch in the *Legal Observer* for August.

† *Gibson v. Carnithers*, 8, Meeson and Welsley's Reports.

and on any doubtful question, the different tendencies of their minds from those of Erle or Maule would be perceived in this, that the former would prefer reasoning from positive law; the other would exercise with infinitely greater vigour the reasoning on natural justice. Cresswell would quote cases; Coleridge would cite the civil law; Maule and Erle loved rather to wrestle with the substantial truth and substance of the case. The mind of Mr. Justice Cresswell is far more severe than that of Mr. Justice Erle. They sat for some time together in the court of Common Pleas, and their different character of mind led them, curiously enough, again and again, to opposite conclusions in cases of a class which, more than most others, involve moral questions—cases as to the occasions which privilege any communication otherwise legally actionable as defamatory.

It is remarkable that Erle always leant in favour of privilege, Cresswell always against it; while the feeble mind of Coltman oscillated from the one side to the other. That Erle was right is clear from this, that on all occasions he was supported by the chief, the learned and venerable Tindal, who more than any other judge of the present century seemed to represent and to recall, in figure, manner, character, countenance, and voice, the old English judges of ancient times. There was something quaint and antique about him; he belonged to a generation of judges now for ever passed away. He was as amiable as he was venerable, and as much revered as beloved. He had a quiet vein of humour thoroughly English. In the heat of argument a counsel had said, that to decide against his view, would be to "shake the pillars of the law" and constitution. The old Chief Justice began his judgment thus: "I think we may venture to overrule this demurrer without running any danger of shaking the pillars of the law and constitution." And the tone was humour itself. There was nothing great or original in the character of Tindal's mind, but he was learned, and his character was venerable, and on that account he was much looked up to by the public and respected by the government, who usually put him at the head of special commissions, as, for instance, in the trial of the Chartists at Newport.

During the last ten or twelve years before the recent changes the intellectual might of the bench centered chiefly in Maule and Erle. And they truly were men

of mark and might. Lord Chief Justice Jervis use to say that he knew no one who so thoroughly eviscerated a case and extracted all its bearings, as Mr. Justice Maule. The learned judge was eminently judicial in his demeanour, and had one judicial attribute which many judges ignore or neglect—he could listen. So quietly, and with such imperturbable composure, indeed did Mr. Justice Maule listen, that one might sometimes imagine that he was not following the argument; a conclusion from which sooner or later the auditor would certainly be very strikingly awakened by some remark, the searching shrewdness of which showed how that massive and immovable looking head had been as deeply as patiently occupied, and how well (though slowly) that powerful mind was working its way to the very pith and marrow of the case. We say slowly; not that Mr. Justice Maule was slower in perception, probably, than some who might seem quicker, but because he was not satisfied with a first perception, and waited to exercise his rare faculty of profound penetration. He would sound and fathom the depths of a case, and turn it inside out, (so to speak), before he would express any opinion; and, being wholly free from that vanity which is so besetting a sin of many judicial minds, and prompts judges sometimes to run a race with each other, or with the bar, in order to exhibit their quickness of perception, Mr. Justice Maule was slow to make an observation involving any opinion, and was as patient as he was profound; but when he did express an opinion, it was with such weight, that it was one which, almost infallibly might indicate the judgment of the court. One who has sat in the Common Pleas for years assures us that he does not remember Mr. J. Maule once committing himself to any hasty or inconsiderate dictum.

Most of Mr. Justice Maule's judicial decisions, almost all important cases, are recorded in the learned Reports of "Manning and Grainger." Here we may introduce two characteristic anecdotes we have heard of Mr. Justice Maule, with reference to Mr. Serjeant Manning, whose learned notes to his Reports, every legal reader will remember. "My brother Manning," observed Mr. Justice Maule, "writes long notes, to show that our decisions are wrong." On one occasion, Manning was arguing upon a bill of exchange case, and cited a case from the year books. "Have you any more modern authority," asked Mr.

Justice Maule, with a quiet gravity, but latent irony, perfectly irresistible. "There is a case in East's* Reports, my Lord." "Ah, well, brother, let us have that by all means," said the learned Judge, in a cheery good-humoured way, inexpressibly amusing.

In Hilary Term, 1840, Mr. Justice Maule took his seat on the bench in the Common Pleas, (then presided over by the venerable Tindal), as junior puisne to Bosanquet, J., and Erskine, J., (most ordinary men), and there he sat for upwards of fifteen years, destined before long to see the court entirely reconstituted, and to be presided over by two other chief justices, himself during most of the time the senior puisne judge, and looked up to by Wilde and Jervis as he had been regarded by the Chief Justice Tindal, as the main pillar of the court. At the time when he first took his seat there, Mr. Justice Maule had hardly among his brethren an intellectual equal, and certainly he never had an intellectual superior, even although he soon had for his colleague Mr. Justice Cresswell. It is invidious to draw comparisons between judges, one of whom is still living, but perhaps it might be observed, that if Cresswell was more quick, Maule was more profound, and cogitated a subject more deeply.

It was in Trinity Term, 1842, that Mr. Justice Maule had for a colleague, Mr. Justice Cresswell; and it is remarkable how, from that time forward, his judicial qualities appeared to display and develop themselves, whether from his now occupying a more prominent position in his court, or from the impulse given to a nature perhaps constitutionally sluggish, by the presence of so keen and clear-headed a coadjutor. It has occurred to some, that Mr. Justice Maule, in cast of countenance and character, a good deal resembled Dr. Johnson, and that it required the presence of a rival to move him to the full exertion of his great mental powers. Certain it is, that, upon the advent of Mr. Justice Cresswell, the mind of Mr. Justice Maule appeared to throw itself more out, so to speak, than it had done before; and this is observable in almost the very first case of any importance they heard together, and which was the first in which Mr. Justice Maule delivered anything like an elaborate judgment.

* Before Lord Ellenborough.

So again, in a case where the learned Judge commenced his judgment adversely to the defendant in these terms: "The defendant appears to have made a hard bargain with persons better acquainted than himself, with the terms on which such services were to be obtained. It is clear that they could not get another surgeon upon the same terms as they had made with the defendant. That could be no defence at the trial, and his counsel set up several defences which he would never have thought of." Mr. Justice Maule never let an opportunity escape him of enlivening his judicial gravity by his dryness of humour. Thus, in the well known case as to covenants restrictive of trade, the business being that of a baker, Maule in his judgment, made merry with an extreme supposition of counsel *arguendo*. "If we are to give the contrast a reasonable construction, it will probably exclude the somewhat exaggerated case that has been put of this baker and some of his old customers, becoming the sole inhabitants of some wilderness where bread would be procurable only from him." The learned Judge had a peculiarly terse way of dealing with any purely technical objection. "The notice does not state" (urged counsel) "to whom possession is to be given." "Let the defendant *walk out*," said the learned Judge, "the right person, no doubt, will take possession." In this union of quaintness, terseness, and strong good sense, Mr. Justice Maule often reminded us of the old Judges of the age of the Year-books.

It is remarkable in how few cases there was any difference of opinion in the Common Pleas while Mr. Justice Maule sat there, which we cannot help ascribing, in a great degree, to the ascendancy his powerful intellect acquired, and the respect entertained for it by his chief and his colleagues. During the time of Chief Justice Tindal, he differed from Mr. Justice Maule only once, and that was in a case of a novel, curious, and difficult character,* and one in which the view taken by Mr. Jus-

* *Barradaile v. Hunter*, 5. M. and G., 639, where the question was, whether a life policy, with the usual proviso, in case the deceased died by his own hands, was avoided by his voluntary suicide, in a state of insanity. The majority of the court held that it was; Mr. Justice Maule's judgment is a happy illustration of his judicial style.

tice Maule, was supported by his colleagues, the other two puisne Judges, and ultimately, in a similar case by a court of error. The cases as to what constitutes a privileged communication, in which Tindal, C.J., and Erle J. (who for a short period was a colleague of Mr. Justice Maule) differed from Coltman J., and Cresswell J., were heard in the absence of Mr. Justice Maule, and in a case which arose some years afterwards, *Somerville v. Hawkins*, 10. M. and G., 589, Mr. Justice Maule delivered the judgment of the court, comprising Cresswell J. and Coltman J., and presided over by him,* upholding the opinion which had been taken by Tindal J. and Erle J., and which therefore may be taken to have been the true meaning of the law on this important subject.

For some years Mr. Justice Maule had Mr. Justice Coltman for his colleague, and in glancing over the reports of that period our eyes fell upon a few lines which perhaps may illustrate very well the contrast between the hesitating manner of Coltman and the bolder and more vigorous tone of Mr. Justice Maule. "I think there was evidence from which the jury, if the point had been submitted to them, might have concluded that the piece of land in question was known by the name of Hall Close." Such was the cautious, guarded style of Coltman. "That the *locus in quo* is properly described as Hall Close is a matter-of-fact about which no reasonable man can have any doubt." That was the judgment of Mr. Justice Maule.

Mr. Justice Maule was a man of learning, although he never made a parade of it, and was rather disposed to be sarcastic upon any display of it in others; he was a man of great reading, and when the proper opportunity arose, he could adduce an apt illustration either from legal law or from general literature; as when in a case of a special demurrer for the use of an initial letter instead of a name, he observed that Sully, in his *Memoirs*, made mention of a French nobleman, at the court of Henry III., named François d'O, Lord of Fresnes, so that it would seem that a name might consist of a single letter. On the same occasion, the learned Judge added a more facetious illustration from his own experience. "I once had a police-

* *Somerville v. Hawkins*, 10. C. B., 583.

man before me," (he said,) "who said he belonged to the *hen* (N.) division. It was sometime before I discovered that he did not allude to the bird so called." What gave greater effect to Maule's witticism was, that from the imperturbable gravity with which he invariably spoke, no one could expect a joke, and it fell all the more racily on the ear when it came, as when he deprecated attaching too much importance to the use of the word *b—y* by persons in the defendant's low station of life: "They use the phrase," (said his Lordship,) "just as a pleader does the word *certain*. A special pleader would say, 'a *certain* horse;' the defendant would say, 'a *b—y* horse,' no more meaning being attached to the one expression than to the other." No one who has not heard these facetiæ of Mr. Justice Maule, can realize the rich effect they had, and the hearty laughter they occasioned; for of him, it might be said, that (though he never laughed himself) he was the cause of laughter in others.

There was one thing very remarkable in Mr. Justice Maule, the felicity with which he put illustrations to convey his meaning, usually with some dash of his characteristic humour. Thus, where the question was whether the declaration in case for fraud disclosed sufficient damage to sustain an action, "Suppose that upon the sale of a horse, the representation were that the horse had two eyes, when in fact he had but one, would it not be sufficient to prove that the horse was of less value, without stating how that defect lessened the value of the horse?" On another occasion, in a similar action, he observed to show that matters open to the sight could scarcely be the subject of warranty. "Can you be allowed to show a warranty, that a blind horse, which the purchaser has had upon view, has good eyesight, or that a sack of peas, shown to the buyer, is a sack of beans?" Mr. Justice Maule always put his points with singular terseness and clearness. "If a lot purporting to consist of twenty yards, were sold at a fixed price, and it turned out that the lot contained only nineteen yards and a half, it does not seem to follow, as a matter of law, that the purchaser might deduct the value of the half yard." An opinion, which, as usual, indicated the ultimate judgment of the court.

Not merely was Mr. Justice Maule remarkable for the way in which he took distinctions at once subtle and sub-

stantial, but for the wonderful faculty he had of elucidating a question. His *utterance* was slow and deliberate, and did not indicate what probably he did not possess, a very rapid power of perception or of cogitation; but when he had grasped the question, the manner in which he expounded it was masterly, and more luminous, more exhaustive in its effect than any other judge, except perhaps Mr. Justice Erle and Mr. Justice Cresswell. He explained and cleared up a matter so satisfactorily that the dullest person could understand it, and this without the want or the waste of a word, with equal terseness and fulness, a terseness of expression, fulness and clearness of explanation hardly equalled, assuredly not exceeded, by any judge who has ever sat on the bench in our time. It was a characteristic of Mr. Justice Maule that he never threw away a word. His very flashes of humour were not wasted; they were always used to convey an illustration or to veil a rebuke. He never lapsed into loquacity. This we regret to say was a trait which, although he shared it with several of our judges, (all our best ones,) distinguished him eminently from many, we fear we might say most of them.

The mind of Mr. Justice Maule was severely judicial, and never appeared disturbed by any of the feelings of the man. He marked his contempt on all occasions, in the most emphatic manner, for any disposition to deviate from general principles and rules for the sake of avoiding particular acts or obtaining exceptional advantages. Thus, in the remarkable case of *Macdonnell v. Evans*, 11, C.B. 943, he said: "As to testing the memory of the witness," (by secondary evidence of the contents of a document in the power of a party to produce,) "I have been unable to follow all that has been said upon that subject. General rules of evidence are not to be superseded whenever it may be thought that a witness's memory may be better tested by violating than by observing them." In this respect the judicial character of Mr. Justice Maule was like that of Mr. Justice Cresswell or Mr. Justice Erle, Mr. Justice Channell, Mr. Baron Bramwell, or Mr. Justice Willes, and of course resembled any purely judicial mind, still it was rendered a marked trait in his mind by the tone of sarcasm or spirit of humour with which he gave it expression. Hence he never homilized, as other judges do on the criminal bench. He did his best to administer the law as he found it, and would be sarcastic on occasion

upon any absurdity in it, as in his celebrated strictures on the law of bigamy as connected with the state of the law of divorce, strictures which may have given its first impulse to the movement in favour of the alteration of the latter law.* But he never expressed any strong feelings one way or another, and never affected either strength of indignation or warmth of sympathy. Not that he was deficient in humanity, or wanting in human feelings; on the contrary, as already intimated, his nature was warm, cordial, and social, but he had a hearty hatred of all parade or display, or of any appearance of sentiment in the administration of justice, and his very sense of the humorous rendered him keenly alive to the absurdity of it. Mr. Justice Maule's mind certainly was less reverent than racy. Thus when on one occasion examining a ploughboy on the bench, to see if he understood the nature of an oath, he put the common question, "Where shall you go to when you die, my boy?" The bumpkin answered, "I'z sure I don't know, Zur." "No more do I, boy," said the judge. Such an incident would never have occurred in the life of a Coleridge or a Cresswell. While Maule sat in the Pleas his occasional lapses from strict propriety often scandalized Mr. Justice Cresswell, to the great delight of the late Lord Chief Justice Jervis.

There might be many illustrations given of the acuteness with which Mr. Justice Maule would penetrate a case, and exhibit a fallacy or a sophistry. Thus, when the question arose on a declaration for giving a child wrong medicine, he said, "for anything that appears the child may have got better. The administering a wrong medicine, even with a wrong intention, may have done no harm, for the child's condition may have altered, and the medicine may have done good. A warehouseman who carelessly lets fall a bale of goods into the street, whereby a passer by is killed, might be indicted for manslaughter;

* This case made some sensation. The prisoner had been convicted of bigamy; his first wife having misconducted herself and deserted him, and the Lord Judge addressed him, pointing out, in a spirit of severe sarcasm on the state of the law, that if he had possessed £1000 he might have obtained a divorce and legally remarried, but as he had not that amount of money he had no right to the luxury.

but would he be indictable if no one was passing by, and no harm was done by the bale?" Maule sometimes expressed himself with epigrammatic terseness. Thus, on one occasion, when a young counsel urged that the defendant's duty was to do the act in question. "Duty, to whom," asked Maule. "To himself," answered the young counsel, confidently and firmly. "Aye," said the learned Judge, "some persons confine themselves exclusively to that class of duties." On one occasion, the learned Judge alluded to the *alia exornia* of an attorney's bill, letters, and messengers, &c.

There was an imperturbable gravity about the learned Judge which enhanced the effect of his slowly matured opinion, and we may add, also enhanced the effect of his rich, dry humour. This vein of humour enlivened the driest cases, and was generally blended with sarcasm or irony. Thus, he had not sat long in the Common Pleas before, in a case as to venue, he delivered his judgment thus: "It is very likely the plaintiff thinks that great prejudice exists; it is not an uncommon thing for parties to have an exaggerated notion of the attention paid to their own cases, or to newspaper editors, to attach an over estimate to the effect produced by their own paragraphs, but I can see no reason for supposing that the plaintiff cannot have a fair trial." "Husband and wife are one person in law," said Serjeant Byles *arguendo*. "Not always brother," said Maule. "If a man kills his wife, we call it murder, not suicide." This reminds us of an incident which occurred later in his judicial career. A young barrister, having to "get over" an adverse decision, observed that it had been commented upon in the *Jurist*! "Really," said Maule, with a grin, and condensed power of sarcasm, which every one in court *except* the juvenile advocate at once appreciated. "Yes, my Lord," (continued the unconscious man,) "and it was a very learned and able article." "Indeed!" said Mr. Justice Maule, with an irony intensely amusing to every listener. "And my Lord, it clearly showed the decision to be erroneous!" "You don't say so!" said the learned judge, with an effect which, *this time*, the unfortunate speaker was enabled to appreciate, by the burst of merriment which it produced. As we have spoken of Mr. Justice Maule as sarcastic, we ought to add that his humour had that unfailing quality of *genuine* humour; it was eminently good humoured, and his sar-

casm was never wounding, unless he was provoked by some appearance of unfairness, as when a counsel commenced his address by imputing to his antagonist an absurd argument, which it was very easy to answer. He said, "nothing so *infinitely preposterous*," thundered out the learned judge, with an angry emphasis, which almost extinguished the erring advocate who had provoked it. There was genuine good nature about Mr. Justice Maule which (albeit he could be grim and gruff enough upon occasion,) led him to speak to the bar in a kindly spirit, especially to young men, provided they were not presumptuous. To one of them he delicately conveyed his sense of the hopelessness of his continuing his argument, by saying in a good humoured way, "Ah, well; you had better go to a court of error." To our old acquaintance, Mr. Bovill, when he had repeatedly evaded an ugly point by saying, "I am coming to that, my lord," Maule drily observed, "Ah, but I perceive, Mr. Bovill, that whenever you come to it you are sure to *jump over it*." During the time when the learned judge sat with the late Lord Chief Justice Jervis, whose keen relish for a jest, and still more for a sarcasm, is so well known, and who had a genuine regard for Mr. Justice Maule, the humour of the latter, in such congenial fellowship, flashed out more frequently and fully than it had done before. There was, indeed, a constant current of it passing from Maule to Jervis, stimulated and returned with interest by the keen wit of the Chief Justice. Much of this was *sotto voce* for their own private amusement, although sometimes some of these familiar "encounters of their wits" would be overheard, (and were always eagerly received by the listening bar,) but very often the Lord Chief Justice, with comical gravity, and an eye twinkling with mischief, would himself enjoy the publication of the jest, introducing it (as if it were a grave *dictum*.) with the usual *formula*, "My brother Maule has just observed;" while Cresswell would look half amused, half scandalized at the levity, and Williams would laugh heartily before making another plunge into the abyss of books which lay beside him, and which often, it was suspected, stimulated the humour of Maule, or the wit of Jervis; who, while sincerely respecting his learned brother Williams, in this very much resembled Maule, that he did not rely much on book learning, and

his research was not purely the most prominent feature of his judicial character.

Although the mind of Mr. Justice Maule was, from its strong good sense, always sufficiently disposed to prefer to the merely technical, that which was the more substantial, it was not one of those which are in the least inclined to tamper with or warp, rules and principles of law for the sake of consulting what is called "the substantial justice of the case." His mind was of far too severe an order, far too logical and scientific in its character to lapse into any such tendency, the least appearance of which, in others, he was as ready to make merry with as his friend, the late Lord Chief Justice Jervis, who, on one occasion, the phrase "substantial justice of the case," being made use of by one of his learned friends, (now on the bench) said with that amusing tone of angry surprise—which he could so well assume—"Oh, really now, Mr. — I should not have expected that from you! that is really too bad," a rebuke which the learned person alluded to bowed to with an equally amusing assumption of the spirit of penitence and confusion of face. Yet the Lord Chief Justice himself, through his keen sense of justice and his natural warmth of justice, was sometimes betrayed into what he regarded as a weakness, and once laid himself open to a characteristic rebuke from his colleague, the subject of this sketch. The Lord Chief Justice having concluded his judgment by the declaration, delivered with the most angry emphasis—"I rejoice that we have been able to arrive at this conclusion, for a more atrocious case never occurred." Mr. Justice Maule began his judgment in his usual grave, imperturbable tone, "I concur in everything that has fallen from my Lord Chief Justice, *except the last observation*, for I neither rejoice at nor regret any conclusion to which we have arrived, and care not whether it is atrocious or not," a rebuke which the Chief Justice enjoyed immensely.

The finest display of the argumentative powers of Mr. J. Maule occurred in cases in which he differed, as he sometimes did, even from the majority, in a court of error. Such was the case of the *Mayor of Berwick v. Oswald*, 3 Ed. B. 670, (upon the construction of a law,) in which he, against the opinions of the majority, comprising Martin, B. Parke, B. Cresswell, Alderson, B. Williams, J., upheld his view of the construction with his accustomed

power of reasoning; and it is proper to add that he was supported by the Lord Chief Baron, and the late Lord Chief Justice Jervis, although their opinion was *adverse* to that of the Court of Queen's Bench, which was affirmed. There was a characteristic passage in the judgment of Mr. Justice Maule, "you may in such a case (if the day for an election has slipped by,) supply it by a mandamus to elect, but though the court may order an election *nunc pro tunc*, it is beyond the power of the courts, or of an Act of Parliament, to recal a day that has passed, or make a thing which has happened, not to have happened

"Non tamen irritum,

Quodcumque retro est efficiet."*

Poor Maule, then, visibly on the brink of the grave, spoke these words with melancholy emphasis. Mr. Justice Maule's judicial career may be said to have closed with the year 1855, and he ceased to sit in court after Trinity Term of that year. His voice was capable of conveying great depth of meaning, and of feeling, as when, in a case argued before him in a Court of Error, respecting a libel by a clergyman, in a circular sent round to his parishioners, he called for a New Testament, and read a passage in the most expressive tone.

In the great case, (*Jeffreys v. Boosey*, 4 Clarke's Cas. House of Lords,) in which the question was one which had divided the courts for years, whether a foreigner had copyright in this country in a work written abroad, the opinion of Maule, J., in favour of the foreigner's right, was maintained by that learned judge and by Erle, J., and Coleridge, J., who concurred in it, with marvellous breadth and strength of reasoning; and although it was overruled by the House of Lords, all the law lords spoke in the highest terms of "the ability, the acuteness, and the research," with which it had been upheld. Probably the two former qualities were those which must be ascribed to Mr. Justice Maule, whose mind was one of those which, relying on their own inherent strength and vigour, argue from general principles logically carried out, and fortify their positions rather by weight of reasoning than research into authorities. This it is which perhaps

* Hor. Carm. iii. 29, 45.

points out the most remarkable distinction between the judgments or opinions of Mr. Justice Maule and those of most other eminent judges of our day; though in this respect perhaps he resembled Mr. Justice Erle, whose mind, in native vigour, logical power, and judicial character, most nearly approaches to his own.

After we had written the above it occurred to us to look to the columns of our legal contemporaries, and see what opinion they had expressed of Mr. Justice Maule at the time of his retirement, in July, 1855. The "*Jurist*" contented itself with describing him as one of the most eminent lawyers who had ever adorned the bench. The "*Law Times*" entered into a criticism of the learned judge's legal character, observing, "He was distinguished for the acuteness of his intellect, and possessed to more than common extent that faculty, so useful in a judge, of rapidly discerning the real points at issue in a case, and seizing them fully and comprehensively; clearly understanding, he was enabled clearly to speak, and hence a peculiarly terse almost epigrammatic manner of delivering his judgments, often with most apt illustration." The criticism, as far as it went, was well enough, though it missed most of the peculiar traits of Mr. Justice Maule's judicial mind. But when the critic went on to speak of the learned judge as prone too quickly to interrupt the counsel, he certainly mistook his subject. It is true, indeed, that as the writer remarked, "The learned judge was impatient of tedious and heavy argument, and could not endure twaddle;" but the statement that he indulged freely in interlocutory dialogue and questions, must be qualified by confining it to cases of "tedious argument" and "twaddle;" for when the argument was worth listening to, we maintain that Mr. Justice Maule was one of the most patient listeners on the bench, and remarkably free from that which seems with some judges the "ineradicable taint" of talkativeness. The moment a man lapsed into "twaddle," or was confused in argument, no doubt Mr. Justice Maule would arouse or recal him by a "poser;" but that was never until he had not only mastered the case himself, (so far at least as to know what the question was,) but he had afforded the advocate every reasonable opportunity of acquiring it. The writer, who both reported and argued in the Common Pleas before Mr. Justice Maule, can personally testify to this, and can

state that while, on the one hand, he never remembers a rash or inconsiderate observation falling from him ; neither does he ever remember his departing from an opinion he had once expressed : in this, as in some other traits resembling Mr. Justice Erle, that although slow in allowing himself to express an opinion, he was almost dogged in adhering to it ; and of Mr. Justice Maule it might be said, (what cannot be said of Mr. Justice Erle,) that he would sometimes, possibly from a weak state of health, be irritated at any opposition to it. Probably it was to the state of Mr. Justice Maule's health that these flaws or faults in his judicial character should be ascribed, which was also the case with his friend, the late Lord Chief Justice. And altogether there never was a judge who was more free from ill-humour or rancour, or had a more thoroughly judicial character. At the same time there certainly never was a mind more free from conventionality, or a nature more genuine or real than his. And it may safely be said that there has seldom been upon the English bench a more eminent judge or a more remarkable man.

Perhaps of those upon the bench the man who most resembles him in his mental character, (after Mr. Justice Erle,) is Mr. Baron Bramwell. We mean in a certain freshness and unfettered freedom of thought and originality of idea, with great vigour of mind. In one respect Bramwell, like Cresswell, excels Maule, that is in quickness of perception. Indeed with him, as not with Cresswell, this quickness is almost a fault, because not blended with sufficient patience. In this respect he is very unlike Mr. J. Maule, whom he resembles therefore rather in his natural than judicial character. He is, however, more than a mere lawyer, he is an accomplished and liberal-minded man.

We have heard that his definition of "blasphemy" is the reviling any other man's religion. He is singularly racy, often pungent, in his remarks ; and for keenness of sarcasm is unsurpassed. His mental power is great ; it is, however, rather analytical than synthetical in its faculty. It dissects better than it combines. It is wonderful in its detection of fallacies ; it wants the comprehensive and constructive power which marks the highest order of intellect.

Mr. Justice Willes is, now that Coleridge is gone, even if he were not before, the most learned of our judges. Not merely versed in the French, Spanish, and Italian lan-

guages, but well acquainted with the laws of most European countries, as well as of America, (which he has visited,) and deeply read in the civil law, he is in point of learning and ability no common man.

Like Mr. Justice Hill—the last of the new judges, and one of the greatest masters of the English law—he does honour to Trinity College, Dublin. We are here naturally led to the alteration in the moral character of the bench at which we hinted at the outset. That change was inaugurated by the appointment of Maule: it was vastly aided by the elevation of Erle—it was consummated by the recent appointments of Bramwell and Willes. Those men, all men of extraordinary mental power, brought to the bench a far greater degree of originality and liberality of mind, than had before characterized the English judges. And this it is which mainly invests the subject of our article with interest, in a Catholic point of view.

It may have been fortunate for the Catholics of this country, that at the era of papal aggression there were judges on the bench so free from bigotry and so careless of popular prejudice, as Erle, Talfourd, Jervis, and Maule. And it may prove fortunate for them that there are still upon the bench judges like Erle, Bramwell, and Willes. Well was it for the Norwood nuns that the late Lord Chief Justice Jervis tried their case instead of Lord Chief Justice Campbell; and that the rule for a new trial was argued before a court, in which sat Talfourd and Maule. Well was it for the Catholics of Liverpool that Mr. Justice Willes, and not Mr. Baron Platt, tried the case of *Darby v. Ousely*, and told the counsel for the defendant, who had libelled Darby, as a traitor, for belonging to a society for the conversion of England, “you want to make an anti-papal speech, and I will not permit you.” Well was it for the Cardinal that his case was not tried before the venerable and liberal chief Baron Pollock, ill was it for him that on the second occasion it was tried before Platt.*

So lately as at the last assizes a case occurred before Baron Bramwell which illustrated the importance to Catholics of unprejudiced judges. The Baron could not

* Of whom his late colleague, Alderson, used to say, that he had three degrees of roughness: Platt: Platoon—Platoff—i.e. The baron—the soldier—the Cossack.

prevent counsel from bringing in allusions to topics which were calculated to excite prejudice in a plain case; but his presence and his known character so far controlled the desire that existed, as to prevent what otherwise might have been perverted to the purposes of bigotry. In such cases all depends upon the character and conduct of the judge. A word from him may serve as the signal to let loose the angry passions of faction or of party. If this is so important in England, what must it be in Ireland. The leaning of the Irish judges, as was lately declared in a Court of Error at Westminster, is fully equal to that of the English. Men like Pennefather, Napier, and Moore; Pigot, O'Loughlen, and Perrin, would have reflected credit upon the judicial bench of any nation.

There is, however, one respect in which the judges of the Irish bench appear to have something to learn from their English brethren. It is in their mode of trying capital cases of a certain character; we mean that class of cases in which murders have arisen out of what are called "agrarian" animosities.

Any one who is acquainted with our English courts of justice is aware how careful, how tenderly careful, our judges are as to the evidence received or credited in cases of murder. And in ordinary cases their Irish brethren are fully as careful and scrupulous; witness the case of Spollen. But in agrarian cases it is not so, and they not only admit, but tell juries to credit and to convict, upon the testimony of perjured, infamous wretches, to whom in England no judge would allow a jury to give credence. The records of criminal trials in Ireland, nay, the Reports of Committees of the House of Commons attest the sad, the horrible result, that innocent men are constantly murdered under the forms of law. This is a painful, a terrible subject, and we have not approached it but with the gravest consideration and upon the strongest ground. It is many years since our attention was first attracted to it by the evidence taken before select committees of the House of Commons, where we read to our horror, on the authority of such men as Mr. Napier and Mr. Whiteside, of cases of men hung for murder in Ireland who were afterwards proved to have been far distant from the scene! It struck us that these cases seemed more frequent in Ireland than in England, and that the cause was the reception of evidence of accomplices, approvers, and the like, who in England

would not be credited, unless confirmed by other evidence on points material to guilt. And the reason for this difference in the criminal justice of the two countries, we thought we could detect in the outcry of savage bigotry in England, upon the acquittal of persons charged with murder in agrarian cases, and the yell of disappointed vengeance which used to break out on such occasions in the No Popery press of the two countries, ascribing the acquittal to the sympathy of the Irish people with assassins. The natural result of this was to render the law officers more anxious to convict, and more eager in receiving evidence, and ready to accept witnesses whom in other cases they would probably reject as untrustworthy. This feeling would not unnaturally, indeed inevitably, extend itself to the bench, upon which the law officers of the crown would ultimately be seated. And thus it is we were led to account for what is an undoubted fact, the eager reception, on agrarian cases in Ireland, of evidence which in this country would not be credited. Thus it was when a year or two ago Mr. Justice Moore tried two men for the murder of Miss Hinds, upon the evidence of creatures who avowed they were accomplices, and approvers, (one of whom had only given his statement three days before the assizes, and when all the rewards had been offered,) and who contradicted themselves and each other upon the most material points, and were not confirmed by untainted testimony upon any points material to guilt. Now in England, we venture to say, no prosecuting counsel would even dare to produce such evidence; if they did, no jury would convict upon such testimony, and if there were the least chance of doing so the judge would prevent them, by telling them not to give credit to it. It is notorious that in England it is enough to destroy the credit of a witness, even in a civil case, to show that he has sworn to different statements.

In Ireland, however, we have long been shocked to observe the Judges, in the class of cases to which we refer, not only leave, but actually *lead* juries to rely on, give credit to, and convict men upon such evidence, unaided by any sufficient confirmation on independent evidence.

The case before Judge Moore was only an instance of this: the case of the Cormacks was another; and it is too well known what a painful sensation this case made in Ireland, and how it has even been made the subject of a

very unsatisfactory debate in the House of Commons. The universal belief that the men were innocent, of course does not increase the force of our objection to their conviction; however it may enhance the importance of it. There is something awful and horrible in the idea of innocent men being hung; and the only way to prevent such horrors, is to take care not to credit unreliable testimony. In this case, moreover, the main witness had sworn to a contrary story on the occasion of the inquest. Nevertheless, Mr. Justice Keogh told the jury not to discard his testimony, but to credit it, and those who heard his charge aver that he vehemently urged them to commit. This is certainly the popular belief in Ireland; if true, it aggravates the guilt incurred in this particular case; for what can be more indecent than for a judge to seem anxious to convict? In England, in a capital case, such a scene has not been witnessed, we venture to say, since the case of Eliza Fenning; the judge who tried her was driven from the bench by a storm of national indignation,* yet that judge admitted no evidence not legally credible. He merely showed an eagerness to convict on evidence morally insufficient. The charge against Judge Moore and Judge Keogh is far heavier. It is that in the cases they tried they pressed the juries to convict, upon evidence which they ought to have warned them to distrust and discredit. For a judge at all to urge a jury to convict in a capital case, or, indeed, any other, even on the clearest evidence, is a thing utterly unknown in England. For a judge, where there was doubt, to do so, would be deemed most monstrous. But for a judge to urge a jury to convict, on the testimony of men contradicted by their own sworn evidence, would, we are certain, raise in England, an universal cry of horror, indignation, and dis-

* The poor girl would have been rescued, as we believe, but for the course pursued by the prosecuting counsel, Mr. (the late Baron) Gurney, who is said to have sent a baptist preacher to entrap her into a general avowal of her being a sinner, and which was represented as a confession of the particular offence charged. An attempt, which we think was unsuccessful, was made a little while ago by a clergyman, we believe one of his sons, to rid his family of the odium of this grave imputation; but what is said to be known to some living, and will be found stated in *Notes and Queries*, that another person afterwards confessed the deed, is wholly inconsistent with this defence.

gust. Many years observation of the English courts enable the writer to assert that no judge would, in a capital case, omit to warn a jury against convicting where the evidence was mainly of that untrustworthy character. Any English judge, we are sure, would feel uneasy, had he failed to do so, and the jury convicted on such evidence. The idea of urging them to do so would make any English judge shudder.

How then was it that these Irish judges did so, and that there was *not* such a universal outcry of horror in England? The answer to both questions is to be found in that feeling which we have already adverted to, as to the alleged difficulty of convicting in agrarian cases, owing to the supposed 'sympathy' of the people. In sentencing the wretched men hung in Margaret Hind's case, the judge enforced this topic very carefully, which, in itself, showed at once its existence and influence in the judicial world, *and a latent feeling of doubt and distrust* as to its effect. But the truth is, that the system we are censuring tends to produce the very end which is alleged as its excuse. What wonder that the Irish peasants shrink from co-operating in a system of criminal justice, which may surely strike them, as it strikes some English lawyers, as a *perversion* of justice, and as tending to horrible legal murders? Destroy the confidence of the people in the criminal law, and of course they fail to co-operate in its administration.

But there is a more awful aspect of the subject still. The first impulse of the murderer is to avoid the danger of detection; and what more ready, or more certain mode of doing so than *convicting some one else* of the crime he has committed! And who can be so able to invent and construct the false circumstantial evidence requisite to carry out his diabolical plot! How easy, beforehand, to involve another person in conversations, interviews, &c., observed by other persons, and to supply a little corroborative proof! Who so dangerously cognizant as he, of all the surrounding incidents of time, place, &c., so as to enable him to make out a story squaring well with all that is *known* of the dreadful deed? Add to this the temptation, certain escape, and a free settlement in America or Australia, at the public expense!

The only way to guard against this horrible peril to the innocent is, to do as is done in England, to *discredit* such

wretches, unless they are so far confirmed by honest evidence, as to make it morally certain that they are at least telling the truth, and above all, utterly to disbelieve them if they *vary* in their statements upon oath, and contradict each other or themselves. But the Irish judges, as the cases we have referred to show, are too careless of these precautions; and eagerly receive, and earnestly enforce evidence objectionable in its source, contradictory in its character, self-branded with perjury! The wretch who did the deed of blood may come into the box, swearing to his story, see the innocent man convicted and executed, receive his blood-stained 'reward,' and emigrate at the public expense. And thus is criminal justice "satisfied" in Ireland! And then men marvel that murder is not put down, and that the people don't co-operate with justice! Why murder is made a thriving trade by this most horrible system. A dreadful trade is blood. The villain gets gold to do the deed, and more gold to fix it on another. And so he goes beneath the gallows to see the innocent quivering in his death agony, and, with a worse than Cain-like brand upon his brow, betakes him to the far off colony! It is horrible, most horrible to feel *certain* that, in Ireland, such things do happen, and to know that a whole country feel certain that it happened this very year, on the very last occasion of such a trial! The two Cormacks after confession, *in the presence of the priest* who had absolved them, at the moment of execution, solemnly asserted their innocence. And all Ireland believes them. But the horrid fact beyond a doubt is this, that they were convicted upon evidence contradicted by the sworn testimony of the very creature who gave it. It is time, indeed, that the Irish Judges would take from their brethren of the English Bench, a lesson upon this most awful subject.

ART. V.—*The Programme of the Jubilee of St. Cuthbert's College, Ushaw, in the year MDCCCLVIII.*

THE year 1858 will be memorable in the annals of Catholic England for an event which, whether we look to it as the close of one era, or as the inauguration of another, or regard it simply as an insulated fact in the Church of this nation, is undoubtedly one of the most striking features of the eventful period on which our destiny is cast. The great Ushaw Jubilee of the present year was a sight which the old will congratulate themselves on having lived to see, and which the young will carry with them engraven on their memories and pictured on their imaginations, to their dying day. The former have said, in grateful astonishment, "Oh, that I should have lived to see this day!" The latter will come hereafter to revert to it as a kind of land-mark in their historical calculations, and an aid to memory in their personal retrospects. We can hear them, by anticipation, saying, "Aye, that was the year of the great Ushaw Jubilee," just as we now find some centenarian who remembers to have seen George the Third at a review, or to have been patted on the head when a child by the great Dr. Johnson. None living ever saw quite the like of the Ushaw Jubilee before; few can hope ever to see its like again.

As the proceedings of this memorable festival are about to be collected into a volume, we owe our readers some apology for anticipating the appearance of this interesting record. Our defence must be, that the impression is yet fresh upon our minds, and that we have almost a selfish interest in reducing it to some less evanescent shape. Moreover, it is no disparagement of the most perfect of histories to say that it can never possess quite the character of a "personal reminiscence."

Interesting as are all our ecclesiastical colleges, and interesting especially as is the great seminary of the north, we should scarcely have ventured to ask any large share of the reader's attention for the subject of the Ushaw Jubilee, had that jubilee been no more than a college festival, however unusual in its nature and splendid in its accessories. For it is scarcely on such gala days as these that the true nature

of our educational establishments can best be seen. We should not choose a coronation, or a court-day, as the most accurate exponent of the character of national institutions. The grand "commemorations" and "commencements" of Oxford and Cambridge, give strangers not merely an imperfect, but in some sort, an incorrect impression of the character of those universities. And so at our own colleges. The annual "exhibition," or even the rarer "jubilee," are occasions of interest and delight in the student's life, whose even tenor such festivals conveniently break without necessarily impairing its zest, or dissipating its energies. These are times at which the old collegians gladly return to the scenes "redolent of joy and youth," to invigorate their weary spirits by a draught of that delicious air; at which parents meet their precious charges after months of tedious separation, and in their ruddy cheeks and more manly gait and appearance, read the history of well-spent days, and witness the expression of contented hearts; at which the greatest stranger and the coldest cynic can scarcely fail to catch some portion of the general enthusiasm; to be enlivened by the festive music, where all artistic defects are forgotten in the spirit of the performance, and to be warmed by the plaudits which greet the successful prizeman, the loudest and heartiest of which are those which proceed from his disappointed, and yet unenvying competitors.

But the Ushaw Jubilee, though it had all these attractions, had others in addition which separated it from every kindred college festival. It was full of interest in its merely collegiate aspect, as the occasion of gathering St. Cuthbert's sons under the shelter of their early home, and around the springs of their youthful inspirations. Who can forget the ingenuous looks and delighted air of those fine youths, the hope and promise of this Church and nation? Who could fail to trace in their joyous manner, their self-possessed yet modest gait, their open yet regulated speech, and the genuine freshness of those cheers which no bribery could have bought and no art could have counterfeited, the intimacy of those relations of confidence and affection which they hold with their superiors? Who above all but must retain imperishably fixed upon his mind's eye the image of that placid form, in which the serenity of age is so beautifully mingled with the cheerfulness of youth, in which every heart of the

many which beat in that august company, might read the tokens of a sympathy as special and as individualizing, as if there had been no other beside it to bask in the sunshine of the same comprehensive smile?

And yet they who think of the Ushaw Jubilee in its collegiate aspect only, will have gone but a short way towards mastering its importance as an event of our time. We may conveniently regard it in the three points of view to which we have already adverted; in the light which it casts upon the progress of our religion during the period of which it forms the termination; in the augury which it gives of the prospects of the Church during the time which must elapse before the reminiscence of such a celebration; and in its character as an actual phenomenon of the days in which we live.

To review the history of those past fifty years which the Ushaw festivities bring to a close, was the duty assigned at the jubilee to the competent hands of the Honourable Charles Langdale. No man in England knows better than Mr. Langdale, the various phases through which the Catholic Church of this country has passed during this comparatively short period, and he commented upon them with the manly eloquence of a thorough English gentleman. He contrasted the scene before him with the poverty, the obscurity, the shyness, of the Church in England as he had remembered her; the bold attitude, the multitudinous gatherings, the splendid worship, the unstinted teaching, the free devotion, the high position of the clergy, and the intimacy of their relations with the lay aristocracy of the country, which characterize the Church of this time; with the rare and paltry edifices, the scant and hidden population, the maimed ritual, the reservations of doctrinal statement, the social degradation of the priesthood, and the political depression of the Church, which marked the epoch at which our great colleges at first emerged from the hiding-places in which they had been cradled from the peltings of the storm and the search of the destroyer.

If we might venture to add anything of our own to this picture, we should be inclined to sum up its details in a single remark, which, to our minds, seems to present both the epitome and the explanation of all the differences which distinguish the English Church of 1858 from that of fifty,—nay, of twenty years ago. The one great and vital

change which has taken place is that of the light in which Catholics regard their Church. They no longer look upon it merely as one of the religious bodies of this country, but as the pillar and foundation of all truth, the one and only ordained Teacher of divine knowledge and Dispenser of heavenly blessings. The difference between the language of Catholics of the present day, and that which we ourselves are old enough to remember, is most striking and impressive. The old apologetic, almost cringing tone, has been replaced by one not (Heaven forbid it!) of bold defiance, of supercilious arrogance, of harsh, unsympathizing exclusiveness,—but of dignified authority, and well-grounded self-respect. To say that the lower and more self-depreciating tone has been wholly dropped, would be untrue; but the change, nevertheless, is sufficiently apparent, and has come about with sufficient speed to be well nigh miraculous. And if we may be permitted to fix the point in all England, from which, as a centre, this new spirit has proceeded, and gradually overspread the Catholic portion of the nation, we should not be far wrong in selecting the Midland district.

The task of forecasting with a calm and instructed eye the future destinies of the Church in England, as shadowed out in the promise of the Ushaw Jubilee, devolved upon the accomplished Provost of Westminster. Disclaiming all pretensions to the prophetic character, Dr. Manning took the actual state and appearances of the Church of this day, as the basis of his presumptions as to her course in England for the future. He anticipated for her, if we rightly remember, a destiny intermediate between that triumphant career against infidelity and heresy which is promised her by the more sanguine, and that speedy and damaging collision with the powers of the world which is menaced by her bitterest enemies and feared by some of her anxious friends. History, observed Dr. Manning, furnishes no instance of the total recovery to the Faith of any nation which has once so wholly lost it. Dr. Newman, we think, has the same remark in his celebrated Sermon at the First Synod of Oscott, though we fancy that he presents it rather in contrast to the signs of our time, than in comment upon them. Dr. Manning appeared to take a less hopeful view of the religious prospects of England, and seemed to apprehend that her future would form no exception to the rigorous dealings of Divine

Providence with nations, which having once tasted the gift of Faith, recklessly and wantonly cast it away. He expects, therefore, for this nation, a tardier and less complete return to unity than is implied in the phrase, re-conversion of England. Where-all is in the hands of God, each one will form his expectations according to the bent of his own mind, and the impression of his own experience. For ourselves, with far less right to form an opinion than the venerable provost, and with equal diffidence of human power in such a province of speculation, we should be disposed to augur somewhat more sanguinely than he, from the facts which our eyes have been blessed to see, and the words which our ears have heard. Historical precedents, however startling, are, we are thankful to know, no tie upon the liberty of a divine governance; and if it be too true that there be no case of a nation entirely regaining the faith it has rejected, we know not, on the other hand, whether there be any precise historical parallel to the movement of the last twenty years, upon which hopeful minds are disposed to found their confident auguries of England's entire restoration to the Church, and that too, at no immeasurably distant date. We submit it then, as a problem for the consideration of such as have made the history of the Church their peculiar study, whether there have ever been an instance of a revival of faith so purely extra-Catholic in its origin, and yet so eminently Catholic in its issues, as that under the influence of which the Church in England has, in these latter days (not recovered its spirit, for that it had never lost, but) made such rapid strides towards resuming its position. If there were one thing which more than another was wanted in England, to dispel the national prejudice against Catholicism, as a tyrannical invasion of the liberty of judgment and the privileges of reason, it was surely this: *that men wholly separated from Catholic influences, should come by the exercise of their own unfettered judgments, with no other aids than such as were supplied in their own line of reading and observation, to embrace, one after another, those very doctrines, and adopt those very practices, which shallow-minded writers pronounce to be irrational or degrading.* Yet this is precisely what Divine Providence has so marvellously brought about. And is not this enough to baffle all our calculations, and disturb the even march of precedent? Hence, we could almost say that

the total conversion of England in the next half century, would be a scarcely greater miracle than the changes which we have witnessed in the last. These changes are so mighty as absolutely to defy explanation ; so many as totally to preclude specification. If our readers do not feel their number and their magnitude, we cannot hope to convey in words the peculiar vividness of our own impression of them.

Were we, however, to choose any one scene of our day, in which, more than in another, the actual result of these changes was exhibited, as we might say, in a kind of "bird's-eye view," we do not know that we could point to a better illustration than the Ushaw Jubilee itself. The only occasions of our time with which it could be compared in point of impressiveness, were the two Synods of Oscott. To those great gatherings it was doubtless and of course inferior in a simply ecclesiastical point of view. There was a thinner array of chief dignitaries, a smaller gathering of clergy ; the public assemblies were less imposing in appearance, and the religious part of the celebration necessarily less effective. There is certainly a compactness and completeness about St. Mary's, Oscott, which leaves it without a rival, as the place for a grand ecclesiastical demonstration. Far less magnificent than St. Cuthbert's in its individual features, it is almost more striking in the *tout ensemble* of its collegiate arrangements. The chapel again is, in our opinion, far more favourable to the greater celebrations of the Church than any building of a similar architecture and size with which we are acquainted, and the pleasure-grounds are singularly well adapted to the purpose of an extensive gathering. But, for all this, the Jubilee at Ushaw was, in some respects, a more striking sight than even the Provincial Synods. A synod, from its very nature, is a solemn and studied affair ; attendance at it is secured under penalties ; the clergy come to it of duty, and live during it under rule. Everything again is so arranged as to contribute to the appearance of solemnity,—conversation regulated, time portioned out, meals sanctified by pious reading, church offices expressly ordered with the utmost attention to ceremonial exactitude and external beauty. But the Jubilee was altogether a spontaneous, unconstrained, and to a certain extent, motley festival. Priests flocked to it, not under obedience, but for recreation ; when there, they

were mingled in social amity with a large body of laity : there was no restraint upon conversation, but such as instinctive good feeling and good principle might supply ; above all, the students were there, and, when we have said this, we have suggested a very important ground of difference from meetings more peculiarly ecclesiastical. Hence the Ushaw Jubilee had features quite its own ; yet, to our own minds they were, if possible, even more suggestive of the actual progress of Catholicism in England than would have been the case in a celebration, more simply grand in its character, more studiously ordered as to its details.

It is for this reason that we should not be inclined to select the more religious portion of the celebration as its prominent and characteristic feature. Grand and imposing no doubt it was, as the solemnities of the Church always are, and always must be, when conducted with reverence and care, and with the assistance of a large body of bishops and clergy. But the college chapel of Ushaw, beautiful as it is, does not, we candidly confess, amount to our own *beau ideal* of a church for a great ceremonial. The hard, angular lines of Gothic are somewhat painful to our eyes, after the graceful sweep of the Roman apse, and the glowing east window, (although that at Ushaw is indeed most beautiful and edifying,) complicates and embarrasses the view of the high altar, which, in our judgment, should always concentrate upon itself the principal attraction of the church. Then, to our own (it may be vitiated) taste, the severer style of music which prevails (and we think most legitimately and properly) in colleges, does not adequately symbolize the religious joyfulness of such occasions ; and we are often profane enough to wish that the little angels who are sometimes seen blowing their stone trumpets, and trilling their silent harps in the ornaments of Gothic churches, could be suddenly animated into living instrumentalists. We say all this because we feel it, and because candour always heightens the value of praise, and having liberated our conscience we now proceed with our work. The interesting supplement of the Ushaw High Mass was, at any rate, a characteristic feature. The acquisition of St. Cuthbert's ring was a very God-send for the jubilee. Nothing could be more suitable at such a time than the discovery of a link which binds the English hierarchy of this day

with that of the ancient Church of our country. It will easily be believed that the occasion suffered no detriment in the hands of the Cardinal Archbishop.

But we turn to the more simply festive part of the jubilee, and here we find not only what was splendid, but what was eminently characteristic and absolutely unexampled. The two scenes which we should ourselves be apt to select as the peculiar illustrations of the festival would be, 1. the banquet, and 2. the commemorative meeting in the exhibition-room. To say that both of these scenes reminded us of Oxford, would be to say what is true, but less than all the truth. The Oxford of the present day could not have paralleled such sights. But it was observed, by a distinguished member of that university, who was one of the guests at Ushaw, that the jubilee realized his idea of Oxford in the middle ages. It was the great banquet of the principal day which most forcibly suggested this image to the mind. The refectory of Ushaw bears a strong resemblance to one of the Oxford dining-halls, and by no means to the least spacious and magnificent. The "high table," with its dignified company, the long lines of guests extending the length of the hall, the hum of animated conversation, the moving, to and fro, of attendants laden with the abundant and hospitable supplies of substantial viands, the lofty ceiling, the picturesque windows, and above all, the thoroughly collegiate air, and the spirit of charity and mutual good will, which was almost like a thing that could be "felt," all this seemed to throw one back from days of disunion and mutual suspicion, to times in which all were of one heart and one voice. Indeed, the hard thing at the Ushaw Jubilee was, to master the idea that the scene before you was an isolated spot of verdure in the midst of a desert—that it was the exception and not the specimen of ordinary English celebrations of its own class.

The great meeting, again, in the exhibition-room, reminded us strongly of the Oxford "Commemoration," but with just those peculiarities of its own which marked the difference between Catholic and Protestant academical festivity. It was, indeed, a singularly striking and beautiful spectacle. The exhibition-room at Ushaw is one of the most splendid apartments of that splendid house. It was, if we mistake not, in the infancy of the college, its chapel. It is of majestic height and ample dimensions.

At the end are tiers of seats, rising to more than half the height of the room, and opposite, on occasion of the jubilee, was a stage, tastefully and judiciously arranged, for the purposes, whether of an orchestra or a theatre. In the centre of the first row of the rising tier, sat the Cardinal Archbishop, with the bishops and prelates, ranging on either side of him, to the right and left. These consisted of their lordships, of Hexham, (the diocesan) Beverley, Clifton, Nottingham, Northampton, the Vicar Apostolic of Edinburgh, Monsignore Talbot, Dr. Newsham, and Dr. Weedall. We could wish that this scene might have been photographed. The dress worn by the bishops and prelates on such semi-state occasions, strikes us as perhaps the most graceful and picturesque in the world. In this instance it brought them out in strong relief to the rest of the assemblage, who were in ordinary costume; and as most were clergy, the contrast was the more effective. The absence of study and formality greatly added to the effect of this striking scene. Behind the bishops and other visitors rose, in ascending gradation, the ranks of enthusiastic students. But we are anticipating matters. The line of dignitaries is not yet filled. The rest of the company is in the hall; in the gallery hosts of impatient youths, on the floor clusters of priests and laymen busily engaged in conversation. Suddenly there is a cheer which almost appals you. It is the Cardinal Archbishop who has entered, and that cheer expresses from the heart, as youth only can express, the affection of Ushaw for its most gifted *alumnus*, and its most powerful friend, the noble champion of the English Church, the father of our restored hierarchy, the living pledge of Rome's presence in the midst of us. Again a brief interval, and then another cheer as stunning as the former. A seat at the Cardinal's right hand has been filled, but its venerable occupant has taken possession of it almost like an apparition. So modestly, so noiselessly, so unobservedly did he glide to it, that you are fain to doubt whence and how he came, though the cheer which has startled you is proof positive that a hundred eyes descried his approach, and a hundred hearts were strung up to the cracking point to peal forth his welcome. Another and another and another cheer. It is for the patriarch among our bishops, whose singularly beautiful and venerable appearance must secure him attention in any assemblage, and whose bene-

volent eye, beaming with the light of kindness and the promise of "play-days," especially endears him to the sympathies of studious youth. Or that cheer speaks to strangers of the affection borne to the venerable Bishop of Hexham, well loved because well known; or of the popularity of Scotland's gifted prelate, and Ushaw's adopted son, the amiable and eloquent Gillis. At length the ranks are filled, and every sound is hushed, as in succession are recited the "Introductory Address" by a student, and by various speakers, both lay and clerical, other addresses on "the Jubilee," on "The Merits of Lingard as an Historian," on "Catholic Collegiate Education," on "The Relations of Ushaw with the Missionary History of England," on "The History of the last Half-Century," and on "The Prospects of the Next." At the close of these speeches the Cardinal Archbishop rose and gave a masterly summary of their various arguments, after which he proceeded to wind up this part of the day's solemnity with reflections upon the general result, and upon the moral and religious bearings, of the jubilee. The meeting was then gratified by the performance of the Jubilee Ode, composed by the Cardinal, which was highly effective, and creditable to the college choir and orchestra.

We have said that this scene powerfully reminded us of an Oxford "Commemoration." Yet there were differences very distinctive of the religious character of the two places. The Ushaw celebration was far more strictly academical than the Oxford festival. For instance; every one knows that at Oxford not merely are ladies admitted, but they form a very important element in the assembly, and even give a certain tone to its character. For a full hour previous to the commencement of the day's proceedings these fair visitors are exposed to a succession of random shots, not rarely accumulated into volleys of artillery, from the ranks of impatient undergraduates who overlook them. Their bonnets, their mantles, their crinoline, to say nothing of more directly personal characteristics, are the objects of public remark, complimentary or otherwise, and often personal enough to be in effect, though not in intention, exceedingly impertinent. We need scarcely say that there was nothing of all this at Ushaw. Again, the expression of public opinion in the theatre of Oxford is far from being exclusively eulogistic. Hisses are generally mingled with cheers in nearly equal proportion; and we remember one

occasion on which the academical proceedings were on the point of being broken up by a storm of unpopularity directed against the Vice-Chancellor of the day. It was an occasion of this kind which once drew from a witty Proctor, unmoved by the tumult which raged around him, the felicitous quotation, "*Laudatur ab his.*" (hiss.) To this unseemly exhibition of academic misrule the scene at Ushaw presented a striking and edifying contrast. We saw no reason to doubt that the manifestations of feeling were equally sincere with those which annually occur at Oxford on a similar occasion, and the unmistakable heartiness of the applause was proof positive of the affection with which the superiors of St. Cuthbert's are regarded by their pupils.

At eight in the evening the company, refreshed by the magnificent hospitalities of the college, was once more seen in the Exhibition Hall to witness a performance of a yet more characteristic description. Nothing perhaps could be mentioned which is more simply opposed to modern academical ideas than a religious play. The very terms would be supposed to indicate a contradiction, not to say a piece of profanity. Sunday for God and work-days for the world; religion, if you please, in its own place, but at times of amusement no mournful faces, no Scripture allusions, nothing about the other world, a truce to dull care and serious reflection, this represents pretty much the English idea of the relative positions of the two subjects. Now we are certainly no friends to wry faces and unseasonable allusions, yet we think there is a medium between confining religion to Church and Sunday, and desecrating it by profane exposure, unsuitable use, and untimely introduction.

A drama founded upon some striking incident in ecclesiastical history appears to us to come up to the perfect idea of Christian recreation. We are far from desiring to enter a protest against other and more simply secular amusements. But where the education of future ecclesiastics is in question, we certainly feel that where it is practicable to give a zest to subjects bearing intimately upon the sacred vocation of the student, the opportunity should never be lost. Now if there be one method better calculated than another to effect this object, it is that of dramatic representation. "*Segnius irritant animos demissa per aures, Quam quæ sint oculis subjecta fidelibus,*" is the profound

though trite maxim of that heathen poet, than whom no one ever lived who was better fitted to unfold the ethical uses of poetry and the drama. But if the representation, in action, of such subjects be useful to the spectators, how much more to the performers. It is difficult to throw oneself into a subject in the way in which those who take part in its representation must do, without securing its firm lodgment in the mind and heart; and when that subject is in the highest degree practical and edifying, such personal familiarity will of course scarcely be gained without something like a permanent effect.

In this point of view, dramas founded upon the lives of the Saints, or other topics of a more strictly ecclesiastical kind, have an advantage over such as have some Scriptural fact for their basis. We do not in any degree personally share in the popular objection to the representation, on the college stage at least, of even the most sacred subjects of Christian history; though we should be prepared to defer, in this matter, to scruples which are widely entertained, and which, though mere scruples, may have their origin in a jealousy for the reverent use of such topics. But while no such objection can possibly lie against the dramatic use of more strictly ecclesiastical subjects, these subjects have this advantage over the Scriptural, that they come more within the range of our own experience, and the compass of our personal imitation.

There is in all our colleges, whether purely ecclesiastical, purely secular, or mixed, a considerable amount of dramatic taste and even talent, which it is certainly important to direct into a healthy channel. Left to itself, or encouraged without a prudent discrimination, this taste may easily and will probably run to waste in a pernicious form. It may vent itself in the reading of plays or romances, should such works ever come within reach; it may even result in a dangerous sympathy with the pursuits of the theatrical profession; at least it will have no better issue than in the getting up, with a morbidly intense interest, comic or at least merely secular pieces, which are apt to dissipate the mind and unfit it for less attractive occupations, even where they do not go the length of vulgarizing, if not vitiating it.

A Christian or ecclesiastical drama would appear exactly fitted to secure the requisite advantages without entailing the slightest risk of the corresponding dangers. Nor is there

any reason why the more serious portions of the subject should not be relieved by scenes of a lighter and even humorous cast. It makes the whole difference in the case, whether such scenes be sketched by a Christian or Catholic, or by a merely worldly writer, and whether they form the staple of the plot or are introduced no otherwise than in the way of contrast and relief. In the latter event, it is obvious that the principal effect will be to throw out, all the more strongly, the beauty of the saintly characters and the moral of the religious story. We can conceive nothing better calculated to refine the taste, as well as elevate the moral tone, of students, than such an application of the dramatic principle. No writer who has enough of the Catholic spirit to choose subjects of this kind for especial illustration, will be apt to violate the rules of strict propriety in the construction or carrying out of the less serious portion of his plot. The true Catholic spirit (and apart from the true Catholic spirit we cannot even imagine the attempt to illustrate such subjects) is the best of all possible securities for the taste and elegance of a composition. It has been quaintly but most truly observed, that the Catholic Church is always a "perfect gentleman;" and over everything with which she comes in contact she has the knack of diffusing a spirit of refinement, of gentleness, and of charity. We hold it as an axiom, that what a literary work wants in good taste and moral delicacy, it wants also in genuine Christianity and perfect Catholicity.

It was the privilege, or rather we might say the distinction, of the Ushaw Jubilee, to be the occasion of drawing forth a rare specimen of this consecration of the dramatic art; and we will add that it is no less our own privilege to have been allowed the favour of perusing and the permission of citing, from a yet unpublished copy, the beautiful drama of "the Hidden Gem." We are of course aware that no such permission could have been pleaded in excuse for such a literary solecism, were not the manuscript on the eve of being given to the world in a published form, and it is with this preface therefore that we introduce our notice of it, and by which we shall support our criticism of it.

The readers, or rather students, of *Fabiola*, will we are sure, agree with us, that if there be a person in Europe able to produce an "ecclesiastical drama," that person is Cardinal Wiseman. *Fabiola* itself gives the most un-

questionable evidence of the highest order of dramatic talent. It is not itself a drama, but rather half-a-dozen dramas. It does not, that is, affect that peculiar grouping of incidents round a certain centre, which constitutes what we understand by a "plot." It is in this respect singularly artless, whether such simplicity be set down to the account of merit or defect. But the reason is obvious. The author does not aim so much at the construction of a story as at the production of a series of sketches. He is limited (hampered, if you please so to call it) by the conditions of historic truth. But it is easy to see that this restriction is the result of choice, not the product of necessity, or the effect of failure. For although *Fabiola* be wanting, as a whole, in unity of design, it has single scenes which are worked up with the highest dramatic power, and which abound in the most delicate touches of pathos. Take for example, that in which *Fabiola* meets Agnes after her ill-treatment of Syra; that in which the parents of Marcus and Marcellianus are converted by Sebastian; that in the Catacombs; or again the death of Agnes, which to our taste, is one of the most beautiful illustrations of Catholic hagiology in existence. The author of *Fabiola* does not merely describe, but *paints*. His great scenes are pictures which, by means of an extraordinary power of language at his command, he transfers without difficulty from his imagination to his pages. No one, again, who has not studied *Fabiola* very minutely, can be aware how peculiarly *rhythmical* is its language. When made, a short time since, the subject of a dramatic adaptation,* it was found that the language accommodated itself with marvellous facility to the conditions of blank verse. Any one who thinks it worth while to compare the drama founded upon it with the original, will see at once, how little comparatively the language has been changed. This is specially the case in the more sustained parts of the dialogues; such, for instance, as the colloquies on religion between *Fabiola* and Syra.

The wish long felt by the admirers of *Fabiola* that its eminent author would try his practised hand at a drama *proper* has been realized in the form of the sacred piece given at the Ushaw Jubilee under the name of the

* "The Youthful Martyrs." Burns and Lambert.

"Hidden Gem." The simple plot on which this elegant little work is constructed is the well-known story of St. Alexius who, acting under the guidance of a special inspiration, left his home and all its endearments, and after an absence of five years reentered it as a poor pilgrim, and was associated with the dependents of his own father under a feigned name and in an assumed character, till his death; after which, for the first time, his father became aware that under the guise of a pilgrim he had harboured a son, and that son a saint. Upon this simple foundation the author has grounded his beautiful drama. It opens with the arrival of Alexius at the door of his father's (Euphemian's) house, into which, as a pilgrim, "travel-sore and pale," he is at once received by the hospitable owner, whose fame for deeds of charity had already acquired him a name throughout the churches of the East. But, though a welcome visitor to the master, he soon falls under the envy and suspicion of the steward (Proculus), and of the slaves with the exception of one (Eusebius) who stands his firm friend to the last. After enduring a series of taunts and false accusations, he at length falls under suspicion of being concerned in a robbery of his master's house on the eve of an entertainment to the Emperor, and dies under the loss, even of his unconscious father's confidence, and amid the most damning circumstantial evidence of his guilt. On his body is found a paper indicating his true name, and intreating the pardon of his accusers; and simultaneously a divine voice is heard in the city directing all hearers to the house of Euphemian which had just been glorified by the death of a saint. The mystery of the robbery is explained; the treacherous slaves forgiven at the suit of Alexius; and the place of the saint's death becomes the spot of a Christian church. We must not forget a beautiful episode, introduced by the friendship between Alexius and Carinus, the heir of Euphemian, who ultimately devotes himself to God, and becomes the priest of the church dedicated under the invocation of his friend.

But we must hasten to avail ourselves of the permission we have received to present portions of the "Hidden Gem" to the reader.

Euphemian, having agreed to receive the pilgrim stranger under his roof, is urged by his churlish and suspicious steward, Proculus, to alter his purpose. Proculus hints—

"It may be a plot
To rob or murder; there may harbour in him
Infectious maladies, some foul contagion,
From Asia's swamps, or Afric's tainted coast."

Euphemian replies:

"And yet the day will come, when One will say,
'I was a stranger and you took Me in';
Yes, One who lives i' th' outcast and the beggar
Will speak thus to the rich.

"*Proc.* Then not to you.
Doomsday will find you poor. Your lavish alms
Would eat up your estates, were they twice doubled.
Forgive plain speaking. Day and night alike
This is my care.

"*Euph.* Nay call it what you will;
Yet blessed charity is not a canker
Which gnaws like vice into our paltry wealth,
Charity is not rust, nor moth, nor robber,
For holy alms are like the dews of heaven,
A moisture stolen from the field by day,
Repaid with silent usury at night."

The more serious parts of the drama are relieved by the humours of Euphemian's household. The following scene reminds us very forcibly of some of the lighter portions of Shakespere's Roman plays, and we make no apology for giving it at length.

"ACT I. SCENE 2.

"*The Atrium of Euphemianus's house. The street door at the right of the stage; the entrance to the interior of the house on the left. In the middle, at the back of the stage a small room with closed door under a staircase. A table in the middle covered with a cloth reaching to the ground; behind it an armchair.*

"*Enter Bibulus from the house side, cautiously looking round, then he turns towards the door.*

"*Bibulus.* It's all right, all right, come in. The coast is clear and will be for at least a good hour.

"*Enter Ursulus, and all the other slaves, white and black, first timidly bearing various utensils of household, garden, and stable work, as ladles, brushes, rakes, curry-combs, &c. They range themselves on either side, Bibulus going behind the table. After the other enters Eusebius quietly, holding a book, and stands in the background.*

"*Ursulus.* What have we been all brought together for?

"*Bib.* You shall hear presently.

"*Darus.* Stay a moment, for there is no *nostrum** prepared, for you to 'dress us from. So I will make one. [*Turns the chair round, and Bibulus mounts it.*] Thus I make one out of this *crural*† chair, that is to say an armchair, you see.

"*Bib.* Now, comrades, I am come to speak to you about our manifold wrongs. I have been shamefully treated. Of course when I say shamefully, I mean shamelessly.

"*Several.* How so?

"*Bib.* How so? Why I have been shut up all night in a dungeon, in a cellar, a dry cellar mind, together with empty barrels, carcasses from which the spirits had long departed, and I have been bitten all night by mosquitoes—and all for nothing.

"*All.* Shame! Shame!

"*Bib.* Will you stand this? Will you allow your rights to be thus trampled on?

"*Dav.* Rights? Why you said you come to speechify to us about our wrongs! and now you talk about our rights. Which is it?

"*Bib.* Booby! Do you not know that the more wrongs a man has, the more rights he has? He must have all his wrongs set to rights.

"*Verna.* To be sure, Bibulus makes it quite plain. All wrongs are all rights. Aren't they?

"*Bib.* Exactly.

"*Dav.* And therefore, *wiser worser*, all right is all wrong.

"*Bib.* That's it. That's your modern *plitical conomy*.

"*Ver.* So right or wrong its all one. Hurrah!

"*All.* Hurrah! hurrah!

"*Bib.* So it was right you see—no it was wrong—let me see; well it was either right or wrong, as the case may be, to keep me in prison all night; and so your rights were wronged in me.

"*Urs.* But you haven't told us what it was for.

"*Dav.* Aye, tell us *our* rights, that *you* were wronged for.

"*All.* Yes, yes! what was it for?

"*Bib.* Why for a paltry flask or two of wine, which I drank to master's health.

"*Ver.* Then if I understand the matter, we were wronged in not having our share of it. That was *our* right, and it was you who wronged us! Down with him!

"*All.* Aye down with him! [*They rush towards him.*]

"*Euseb.* [*Laughing steps forward and stops them.*] Come, friends, enough of this folly. The long and short of the matter is that he got at his master's *hook*, and so the master got him into his *quod*. That's a perfect concord, agreeing in number and case."

* Rostrum.

† Curule.

The following soliloquy of Alexius, upon first taking possession of his cell in his father's house, presents a fine contrast to the above.

"ACT I. SCENE V.

"*Alexius.* Is this to be the sealing sleep of life,
 Gluing my eyelids in unawaking rest?
 Shall my heart, ere 'tis over, cease to beat;
 And shall my soul awake to heaven this day?
 It would appear so, for I now have reached
 My place of birth, to hold it some few hours;
 These then must be my last—I am prepared;
 My lot is now in better hands than mine,
 'Live we, or die we, we are still the Lord's.'
 One prayer may serve for slumber or for death.
 Our life is thine, Creator of all flesh,
 Living or waking, dying or asleep;
 That Hand which plays among the chords of life,
 Pressing them gently, their vibration stills,
 Silent for ever if He wake them not;
 That Hand I kiss this day, for it hath strained
 The strings of love and pain to utmost tension,
 And now will soothe them with Its kindly touch,
 To murmur peace, on Its paternal palm. [*Kneels.*]
 Father! who here this thing of clay didst fashion
 Into Thine image's terrestrial frame;
 This dust together hold, or free disperse!
 Make it the vultures or the earthworm's food,
 So that from its corruption flash my soul
 Into the furnace of Thy purer fire.
 Or rather like the pearl be gently dropped
 Into the abyss of Thy great ocean bosom,
 To seek in vain for surface, depth, or margin,
 Absorbed yet unconsumed, entranced yet free.
 [*Exit into his cell.*"]

The following is another most beautiful soliloquy.

"ACT II. SCENE II.

"*Enter Alexius solus, faint and weak. Sits down.*

"*Alexius.* How long? O heavens how long shall I drag on
 This heavy life? Five years are on the eve
 Of their completion, since I entered here.
 Smoothly hath time flowed on, yet quickening ever
 Its rapid course, and now methinks I am
 Like one who hears a cataract. His skiff
 Glides through a noiseless, foamless, liquid furrow,

Which curves at last over the craggy ledge.
 So sweetly calm I feel, so lulled to rest,
 Though still upon the surging wave. My heart
 Pants audibly indeed, yet does not feel.
 Gladly before I die, my future heir
 I fain would see. Once while yet an infant
 I stole one glance at him. How years rush by!
 Childhood's best prophecies were written fair
 On brow and lip, illumined by the eye.
 If that first page lied not, the book is rare."

We are much mistaken if these extracts will not have whetted the reader's appetite, and we are glad to hear that the "Hidden Gem," besides being given entire in the historical account of the Ushaw festival, is to be published in a separate form for the use of colleges and schools. The absence of female characters from the plot removes one objection which is felt by many to attach to the use of ordinary dramatic representation in seminaries of youth, and the success which attended the performance of the "Hidden Gem" at the Jubilee of St. Cuthbert's, will act as an encouragement to its introduction among the Christmas festivities of many similar societies during the present year.

ART. VI.—1. *Notice Historique sur le Rev. Père de Ravignan, de la Compagnie de Jesus.* Par Alex de Saint Albin. Paris: Vaton.

2. *Le Rev. Père de Ravignan, par M. le Marquis de Dampierre.* Paris: Charles Daniel.

3. *Maladie et mort de Rev. P. Xavier de Ravignan, de la Compagnie de Jesus.* Paris: Charles Daniel.

THE wonders of electricity are the boast of this vain-glorious nineteenth century; the Promethean spark is brought down from Heaven; but though Prometheus is unbound, this quick electric fluid is a greater slave than ever the Negro was in the palmy days of West Indian glory. It goes well in harness; it works wonders in its obedience. At

our bidding it dives under seas, and bridges over gulfs; it levels mountains and strips distance of its danger. It takes away from news the charm of novelty; for it outstrips the traveller in speed, and forestals his story. It noises abroad the secret of the conspirator, and brings home with fearful rapidity the tidings of an Indian mutiny. Ill news proverbially travels apace; but ill news aided by electricity beats the proverb hollow, for it startles and stings the heart of a nation, by the unfeeling brevity with which it relates the result of a Sepoy atrocity, the sack of a city, or the death of a hero, leaving to the slow process of steam the filling up of the hard outlines of the sad story.

The nineteenth century has done wonders in its way; its fault lies in the misapplication of its powers. Material improvements are no cure for mental and moral disorders. A great exhibition was the symbol of universal brotherhood, and a charter-house of peace, where men praised themselves, if not one another. The sword of the soldier was ever after to give place to the spade of the husbandman. The prophecy turned out, however, to have as baseless a foundation, as had that pompous fabric of glass; the promise of peace was the forerunner of war. But surely the steam engine and the free press, those twin mighty levers to heave up the huge burden of fallen humanity, have succeeded at the least in putting an end to ignorance and in stopping the foul mouth of prejudice; they make us, alas, familiar enough with the faults of our neighbours, although in the turmoil they engender, they fail or forget to enlighten us on our own. If in some outlying hamlet of an Italian state a brigand mounts, armed with a dagger, the pulpit of a crowded church, and discloses to an affrighted congregation that he has laid thievish and sacrilegious hands on an image of the Madonna, rich with votive offerings of jewels and gold, an image dear to the hearts of the people, but which he will not restore unless it be richly ransomed, our enlightened and unprejudiced press descants on the immorality of the thieves and on the idolatry of the people, both only worthy to adorn a page in the dark history of the middle ages, but which ought not, for very shame, to be allowed to blot and mar the fair civilization of to-day; unconscious all the while that the churches at home are closed against thieves only because they are closed against worshippers, and present, when they are open, in their white-washed walls, and empty niches, and bare altars, as little to set the

palm of the light-fingered gentry 'an itching, as to attract the eye and elevate the heart of the devout kneeler.

But in spite of steam and cheap postage, in spite of the all-searching press and accessible passport, it is a marvel worthy to be noted how great our ignorance is, of the habits and ruling ideas of even our next-door neighbour—a nation which is at once a new ally, but an old enemy. How little do we know of even important sections of French society; how little of that mighty life which lies beneath the surface, working regeneration, and moulding the masses of the labouring population into shape ready for the service of God, conducive to the preservation of society, was shown by the silence with which "our own correspondent" has left unrecorded, an event that has shaken the hearts of thousands in Paris.

Let us sail over the channel waters, and let ourselves down into the city of Paris. We do not plunge into the gay and gaudy thoroughfare, nor seek out the elegant and luxurious faubourg, but we enter into a poor and humble street, the Rue de Sèvres. There has been a concourse of people all the day long passing through the narrow street,—a hum of many voices,—a tramp of many feet converging from all sides to one point.

What new spectacle does Paris show forth to-day? that city of sights and pleasure. Is it a coronation or a barricade? Is it the quailing of a stricken multitude, on whose sensitive ear the old cry of *à la laterne* has fallen; or is it the celebration of a royal wedding, when a king marries one of the people—when an emperor flaunts his plebeian marriage before the indignant eyes of offended kingship; or is it a general rejoicing at the glad tidings of a new victory gained by the heroic soldiers of chivalrous France? Paris, the city of changes, has witnessed all these sights follow one another in rapid succession. They pass, but leave no impression on its volatile heart. City of contradictions, ever bent on pleasure, and yet ever ripe for revolution. She smiles through her tears, though they be tears of blood. But there is sorrow on her countenance to-day. Has an archbishop, humble and heroic, fallen in the discharge of his duty,—a messenger of peace between two infuriated forces, Frenchmen of one blood and of one baptism, the guilty revolutionists, and the stern revengers of right and of civil order? Are the stones of the city still wet with the blood of their latest martyrs? No.

Yet is the victory of death. No, yet it is the death of a saint. But let us press on with this eager crowd, eager and impatient, but more silent than crowds usually are. We stand in the Rue de Sèvres, with its tall houses joined and jostled together, but we look not on houses nor on stones. We feel we are in a crowd of human beings, and there resides always a fearful power in a multitude of men moved by one thought, agitated by one feeling. There is a contagion, whatever that thought may be; be it joy, or grief, or be it revenge; it spreads like wildfire; the whole mass is swayed to and fro as by one will. One purpose seemed to animate the multitude—access to that narrow house. We draw near; we hold our breath; the coldest hearted is moved, but there are no cold hearts in that throng, on the day which witnessed the triumph of the dead, more eloquent it would seem in death even than in life. But now the silence is broken, broken too by sharp complaints addressed to those passing so slowly out, as if their feet were reluctant to quit the threshold of that house of sorrow,—complaints from the crowd, impatient now of delay, and afraid lest the day should draw to a close before their turn or chance of entrance arrived. But the reproof fell unheard or unheeded on those that passed out; they appeared lost and bewildered, and sorrow sat on their brows.

Watch that spare, eagle-eyed man now edging his way through that narrow porch! He is one of the world's great ones, but not of the world's only, but of God's; he already fills a niche in the temple of fame, but not in the temple of fame alone; for he is known and honoured as a faithful son and zealous champion of the Church. He it was who, in the lifetime of the saintly preacher, whose countenance he is now about to gaze on for the last time on earth, when unable to penetrate the crowded portals of Notre Dame, scaled its roof in order to listen to that voice which is now hushed for ever. He enters that narrow community-room with its bare walls and low ceiling. Here sorrow shows no luxury, and art makes no pompous display. We are alone with the majesty of death!

That man, so eager to enter this room, who himself is advancing with rapid strides to the grave, stands once more, and for the last time, before the friend of his youth. Sorrow is silent, and death has no voice; and yet

what an eloquent meditation is that meeting! Yes, there on that poor truckle bedstead, with his cheek half turned to the pillow, as in sleep, wrapt in his plain cassock, lies before Berryer, all that remains on earth of Ravignan, the great Jesuit. His hands, clasped in death, hold the cross of Christ, that cross to which he had consecrated his life. Two burning tapers, symbolising that something lives even in death, cast a dim light over his pale features, which still preserved the high stamp of beauty they bore in life. It almost seemed as if his great mind had quitted with regret these mortal remains, but had left behind, as a parting legacy to his body, one of those bright rays of intelligence, which was wont to light up his countenance in life. He is dead whom all that knew loved; and those who knew him not, desired to know, as they would desire to know what is best and holiest on earth. His enemies, and the enemies of God, had not a word to say against him; all they allege is, that he was not a Jesuit; he was too good to be one. Yet, to be a Jesuit, was his glory in life, and his consolation in death. He was a man who possessed, without an effort, singular influence over those who came in contact with him; but not over those only, his influence was far reaching, he stretched out his arms far and wide, and touched those whom his eyes never beheld, and at his touch they would rise and follow him. His words were like arrows flying abroad; they pierced those whom they struck; they were as weighty as they were keen. But his life was more eloquent even than his words, and his death was more eloquent than his life.

What else has drawn during these three glorious days the men of note of Paris from the severe pursuits of science, and from the grave duties of the bench, and from the engrossing toils of statecraft, to the humble death-bed of a poor priest? The Rue de Sèvres has greater attractions than the Sorbonne and the Institute. The learned find there are other truths besides the truths of science; and those that are ambitious of the glories of this world, are startled to see so suddenly that there are other glories greater than theirs. The science of death is laid open before them to-day, and yet with such a touching tenderness, that the king of terrors is almost robbed of his dread power. The three days that elapsed between the death of Father de Ravignan and his burial, were barely sufficient for the eager multitudes, that streamed in from all sides of

Paris, anxious to behold once more the features of that man of God. They may be called with truth three glorious days, glorious because they bore testimony that the giddy heart of Paris was still alive to the touch of the hand of God,—glorious because they were a striking witness that faith had at last broken into the cold circle of scepticism, and beaten down in a measure the ramparts of infidelity—and glorious, moreover, because they showed that the vanities of the world vanished before the dignity of death, the death of a Christian.

At break of day ladies of the great world were seen leading their children by the hand, and explaining to them the sublime spectacle they witnessed. Thus De Ravignan dead was a preacher to that rising generation, which will have to wield the mighty destinies of future France. The future of France! who can utter the words without a feeling of awe, of fear, and of misgiving? Ravignan is gone, who was the healer of the past deep wounds that opened and bared the breast of the country he loved so well. France requires another Ravignan to guard and guide her troubled future; she turns for succour in her need to the glorious Society of Jesus. The members of that order will furnish remedies against the disorders of society, more powerful and efficacious than a hundred thousand bayonets of steel.

What man can doubt or deny the power and influence this celebrated Jesuit exercised over the mind and heart of his country; who knows the sorrow that pervaded all classes of society when the tidings of his death were brought home to them as a personal loss? Look again for proof into that narrow room of death; it is his last day on earth, it is the eve of De Ravignan's burial. The Rue de Sèvres is if possible more crowded however; for the laggard have arrived, anxious to make up for lost time, they are more eager now than others who have been long on the watch. These are they who now clamour round the porch. The poor in crowds surround the bed of him who had done so much for them, feeling in his loss the loss of one who had been so long a father; and there too grouping together are his young friends, in the very bloom of youth, weeping for their generous friend, who had loved them so well; and there too, in the farther corner, stand men of ripe age, grave counsellors of state, mourning for a man who was so devoted to his fellow-men that he poured out for them the

very fountains of his life. All present were eager that something of theirs should touch his venerated remains. Who can tell, in the course of three days, the number of medals, of crosses, of chaplets, of prayer-books, which touched the body of that holy priest, henceforth to be handed down as heirlooms and venerated as relics of De Ravignan?

Let us turn from the spectacle of De Ravignan dead, and cast a rapid glance over the field which this great Jesuit traversed, and recall (for it is an effort of memory) the state of society which met him on his entrance into life. Time passes so rapidly, and events so crowd one upon another in this age of perpetual change, as to make us, passing from one revolution to another, almost forget the state of things that prevailed prior to each. If one cause be the too fruitful mother of each new revolution, it yet manifests itself in phenomena as various as they are striking. It shows itself now in the decay of piety among the higher clergy, and in the degraded morals of the nobility, now in the unbelief of men of letters, now in the wild fury of a licentious mob, goaded on by fiends in human shape, who respect nought in nature or religion; and now again it may be detected in the corruption of kings, and in the despotism of conquerors.

We forget the fall of an old dynasty in the fortunes of a new. Yet, in each successive change we trace the hand of God in the safe conduct of the Church, which comes out of every struggle, supreme through suffering, stripped often of its outward beauty, but sound at heart, strong in the majesty of heroic and saintly endurance, the only healer of the wounds of society, the firm bond of union among men, and the sole hope for the reconstruction of the social fabric. On one of the glorious days of July, (and if the days of a French revolution be glorious, what days, we should like to know, in the history of the world, were infamous?) on one of those very glorious days, when the "people had it all their own way," had liberty to pillage churches, and to place a dishonoured crown on a citizen king of their own choice,—on one of those days when liberty and the people were revelling in the first fruits of a honeymoon, from which religion was banished, an infuriated crowd surrounded the house of the Jesuits at Saint Acheul, in which Father De Ravignan was studying theology. Ravignan harangued them from the window.

The charm of his eloquence, and the sweetness of his manner, caught and calmed the angry hearts of those rude men, some of them the outcasts of that degraded city, which was once the boast of the civilized world. They were subdued by that voice, which was so often, in after years, to win the ear and touch the hearts of thousands, and of tens of thousands, of the polite and the learned. They were appeased, but only for awhile. A sudden ringing of the alarm bell startled the impulsive mob. They renewed their attack, and amid the fierce yells of women, always on these sad occasions foremost in mischief, the voice of Ravignan was drowned; he essayed in vain to recover his influence over the minds of the tumultuous multitude. He was felled to the ground by a stone. The house was gutted and destroyed. It was enough that these holy men bore the honoured name of Jesuit—a name which the enlightened and learned of Paris in those days had long laboured to blacken and defile with calumnies as frightful as they were absurd. The mob had a fine opportunity, which they did not let slip, by displaying, after their own fashion, their new learnt virtues of liberty and fraternity. Their love of liberty showed itself in depriving their fellow-citizens of freedom of action; and their brotherly love led them to put in jeopardy the lives of men of their own blood, simply because they were Jesuits. The Jesuits quitted France; Ravignan retired to the bleak mountains of Switzerland. In the solitude of Brique, in la Valais, Ravignan, if his mind had not been occupied with holier subjects, might have meditated on the folly of kings, in raising their hand against an order so famous for its sanctity, its learning, religious and profane, and for its love of justice, to whose guardianship the education of youth may be so fitly entrusted. How the short-sightedness and wilful blindness of men pass the bounds of belief, was shown in the royal ordinances of 1828, closing the Jesuit schools throughout France. They fell like a death warrant on the famous house of Bourbon; a house which had given so many glorious kings to France, and so many saints to the Church of God. The wisdom of the Restoration was turned into folly, when religion was made but an adjunct to royalty. Under the Restoration it was the fashion to be pious; it was “*a la mode*” for ladies to walk in the processions of the Church. A show of piety was a ticket of admission to courtly saloons. The Church, when

put in fetters by the State, is the constant weakness of kings; when at liberty she is their best support and source of strength. The Bourbons had not learnt wisdom from their enemies, nor forgotten their own folly. They fell partly by their own hands. Then were opened up the flood-gates of corruption to deluge the land. The citizen-king lifted the crown out of the mire, where it had rolled, and placed it on his brow. Wily as well by nature as by art, he flattered the vain, and cajoled them into his service. By stooping to the meanest arts he won his way into favour. He reached the hearts of men by the power of the purse. He hoarded money like a paltry trader, but with less dignity, because of his position, which he dishonoured. He had not the gift of royalty. Not an inch of the king about him. His vices were mean, and his virtues had no grandeur. By looking into his own heart he knew the power of money; yet, when he had an object to gain by bribery, he was lavish in expenditure. He considered it laid out at good interest when it conciliated a doubtful friend, or disarmed an open enemy. An outward gloss was spread over the surface of the State, while rottenness was consuming its very core. Society was a whited sepulchre. There was a cant of liberty abroad, but it could not conceal the tyranny which trod down the rights of the family, and the liberties of the Church, by denying freedom of education. The infidel university of Paris was the centre of activity; it trained the intellect of the country after its own heart. The generous impulse of the aspiring mind, eager in the pursuit of truth, was chilled by the cold scepticism taught from its chairs, which reduced the old traditions of the nation, the lessons of its noble literature, and the religious glories of its history to one uniform dead level of doubt and distrust. The Christian Revelation was put beyond the pale of its consideration. The University of Paris brooked no rival, and tolerated no opposition. It laid its guilty hand on every man who attempted to emancipate the youth of the country from its ignominious thralldom, and hurled him back to the ground, and placed its cloven foot on his breast, and then turned to the State for assistance, and to the press for approval. The State and the press backed it up to the uttermost. In triumph it marched with giant strides through the country, crushing beneath its iron hoof every plant of faith and every germ of hope. No school

could escape its control, no family its evil influence. The professorial chairs were filled by men conspicuous more for their hatred of the Church, than for their love of literature; known more by the licentiousness of their pens, than by the keenness of their wit. There was a sad lack of originality in their body. They borrowed their philosophy from Voltaire, and their irony from Pascal. They were like the lacquered ornaments of their own city, that could not stand rubbing. What they wanted in wisdom they made up in cunning. They laid hold of the press, and with the news of the day insinuated the immoral tale, the licentious novel, and the impious essay. Like a flood of many waters, iniquity deluged the land, from that fountain of corruption, the University of Paris.

And were there none to contend against this mighty enemy of God and man, that never lifted up its voice but to scoff, and never stretched out its arms but to destroy? Who has not heard of the noble efforts of Montalembert, in the French Chambers? His manly eloquence roused the Catholic spirit of the country. Possessed of parliamentary genius, he formed a Catholic party, which stood aloof as well from the blandishments of the court, (which too often successfully beset an active opposition,) as from the seductive influences of a false liberalism. The Catholic press, bold and unflinching, lent its brilliant and effective aid in the struggle. Freedom of education became an European question. It was the grand battle of the day. Men of great renown were ranged on either side. Montalembert was well supported by Lacordaire, the fiery Dominican, whose absolute mind saw but the right and the wrong, and who marched, despising all intermediate halts, straight up to his mark. Falloux, on the other hand, was a man who saw difficulties in every scheme, who balanced doubts with a nice discrimination, and threw out suggestions of wonderful subtilty. He was a man of compromise, which his enemies mistook for weakness. The prudent who verged towards timidity held him up as a model. The bold, who did not fall far short of rashness, followed Lacordaire. The courage of the eloquent Dominican was too much for the caution of the statesman. Both heartily concurred in one object—liberty of instruction. That was a citadel to be stormed by their united forces. It held in itself the fortunes of the future. It was the turning point of civilization. It was the key to the

book of knowledge—the knowledge of good and evil. It was in the hands of the enemies of God, and they knew how to use it. Infidelity and Catholicism struggled for mastery. The prize to the victor was no common prize. It was the youth of the land of St. Lewis, the possession of their opening hearts, and of their expanding intelligence. How are they to be reared, is the question to be decided? Under what influence, under whose training? Are they to be blighted by the chills of scepticism? or are they to be placed under the warm shelter of the Church of God? The fight was at its wildest, when a sound was heard as of a trumpet sounding before the walls of Jerusalem. It was the voice of a preacher ringing over the agitated masses that thronged the vast space of a mighty cathedral. Paris, the city of audacious unbelief and of unblushing licentiousness, had crowded into Notre Dame to listen to Ravignan, the great Jesuit. The scoffers prayed, and the guilty trembled, and the proud of heart humbled themselves before the voice of the man of God. But that voice was heard beyond the precincts of Notre Dame; it reached the high places, and shook the unholy ramparts of the infidel university. In the name of God, and of public liberty, it demanded freedom of education. The public mind was agitated, and the fears of an unjust and ungodly government were excited by this appeal to the sense of justice. Both the public and the government were still more influenced by the results of those celebrated Conferences at Notre Dame; when they beheld men in those vast assemblages, led in thousands up to the altar of God, and so increase in numbers, that the mighty nave of the huge cathedral was too narrow for the multitude that thronged on Easter day to the table of the Lord. None but men were admitted, and yet they filled that once deserted church to overflowing. The reign of Louis Philip seemed a most unlikely era for religious revival. Belief and morality in the middle and lower regions of society in Paris were so sunk, that religious indifference was then considered to be the faith of the 19th century.

But this change we owe not to Ravignan only. Lacordaire had preceded him in the work, and had first attracted crowds to the church. He astonished men by the originality of his views, and by the profoundness of his speculations and powers of reasoning. He rooted attention by

a word; he roused his hearers by bursts of eloquence, and by daring flights of oratory. To the genius of the orator he united philosophical depth and the method of the logician. He drove conviction home to the intellect, to the amazement of those men who believed the Church had nothing to say for herself in the domain of reason. If Lacordaire failed to touch the heart like Ravignan, it was because all the gifts of the preacher are not to be lavished on one man.

If Lacordaire swayed the sceptre of power, Ravignan held the rod which brought the living water from the barren rock. Ravignan came not to supersede, but to crown the work of Lacordaire. By the intensity of his faith, and the fervour of his charity, he wins upon the heart, that can no longer resist. There was a persuasive sweetness on his lips, as if they had brought honey from the land of promise. He seemed as if he already enjoyed the beatific vision, and could impart it to those who came to him in humility. Though mildness itself, he lacked not courage. He avowed himself a Jesuit in the face of the public; he gloried in the name at a time when to be a Jesuit, was to place yourself beyond the pale of human kindness; when a Jesuit was considered to be a man lost to all sense of dignity and decency, to be an outcast from society, and a hater of the human race. An unceasing cry went forth from the free-thinking press, until the good even were often led astray by the prevailing prejudice.

We can cite no stronger proof of the extent of this ill-feeling against the order to which he at a later period belonged, than by stating that Ravignan himself did not escape in his youth the general contagion. He who had passed intact through the corrupt atmosphere of the great world, he on whom the scoffing raileries of the sceptic bar of Paris fell harmless, nay, blunted even by his stern rebuffs, was still a prey, happily only for a time, to an aversion against the Society of Jesus. The name of Jesuit grated on his ear. He gave, as he himself was the first to acknowledge and deplore, too ready a credence to the fierce calumnies, which pursued with deadly hatred that hapless order through many classes of French society.

"I entertained," he says, in his work on the Jesuits, *—"pre-

* *De l'Existence et de l'Institut, des Jésuits*, vii. edit,

judices against the Society of Jesus, led away by Pascal and the Parliamentary traditions, which deceived me as they have deceived so many others. It was, I must say, in spite of myself I learnt the truth about the Jesuits. It is not my intention to trouble the public with my history. Neither have I to show here in what way it pleased Divine Providence to guide me at that time, nor to speak of the interior working of my conscience which is known to God alone ; yet the remembrance of it is stamped on my heart for ever ; bringing light to my soul, it effected a complete change in my life. I may safely allege that my mind was formed and my resolution taken at a time, when I was entirely free from extraneous influence. Moreover my mature ideas were but little open to such impressions. I may further assert that it was precisely those things in the Jesuits which are most misconstrued, distorted and attacked, that led me to be one myself."

Men said to one another, This is the Gustave de Ravignan, who left the world for the cloister, when a brilliant career with fortune and friends lay within his grasp. He left the world not so young, when life seems made up of hopes so vague and unreal but they may be relinquished with ease, not so old as to be able to confess with an ex-Lord Chancellor of our own day, whose intellect in his extreme age is as brilliant as it is powerful, that he had lived to exhaust the fertility of ambition, and to quench in success the aspirations of the mind. Nothing more has been left, in fine, for ambition to desire or for success to give.

This was not Ravignan's boast, had he even been vain-glorious ; for he was in the pride of life, in the beauty of manhood, with promise in his heart and power in his mind. Hope lent brilliance to the eye, and elasticity to the step. Imagination quickened his manner, and reflection gave repose to his brow. That deep, almost supernatural, repose was in after years united with an indescribable sweetness of manner, the most marked characteristic of the man whom we are now contemplating, as he stands erect, and almost severe in his bearing, on the threshold of life. Fortune held out to him all her fascinations ; she laid her gifts before his eyes, not too near lest they should lose their charm by too close an inspection, and yet near enough to win by their witchery a heart, that has not lost its all of earthly fire. Fortune for once did not break to the heart the promise it made to the eye. And yet at such a moment, when the charm of earth was still bright

with all the tints of hope, Ravignan broke with the world for ever. In vain ambition stood by, crowned and sceptred, the most substantial shadow in life's unrealities. With an eye that kindles, and a quivering frame, he gazed for a moment into the future, and beheld in imagination the crown of human glory encircling his brow, and in his grasp the symbol of earthly power. Even in his vision there was a misgiving about his heart—a yearning which nothing earthly could satisfy. God had chosen this man for Himself. He surmounted ambition, which a great writer has termed, the last infirmity of noble minds. "What seemed a king, a kingly crown had on,"—vanish shadow of a shadow. He dashes the proffered cup to the ground. It sparkles at the brim, but the dregs are bitter; there is poison in the delicious draught—the poison which enters into every cup that earth fills—the disappointment that attends every human joy—the decay that awaits every earthly gift.

A letter addressed to young Ravignan, at this important epoch of his life by M. Bellart, the procureur general, and an old friend of the family, touches on this very subject of earthly joys and disappointments of the world. We give a few extracts. It is dated the 6th May, 1822.

"My dear Ravignan,—Were I not, like yourself, disenchanted with all the illusions of this world, your letter would have given me great anxiety for my own sake, and for the sake of the world. I shall regret losing one who promised to be an ornament to his profession, and to do good service to his country. I shall regret, my good and excellent young friend, if you yourself put an end to a career which was likely to be so brilliant, and which would have so nobly satisfied a well directed ambition, as well as have afforded such great opportunities to you by a bold exposition of fact, and by an enlightened administration of justice, to render service to religion, to society, and to your king. Although my natural disposition, and the disgust I so often experience at the scenes of wickedness and perversity at which it is my lot to preside, would lead me to praise the step you are about to take; nevertheless I feel bound to rise above this kind of selfishness, which would make me envy rather than disapprove of your resolution, and to invite you, my dear Ravignan, to reconsider this matter anew.

"It is a grave step which will impose duties of a very austere nature, many superhuman privations, which you must needs be sure you can submit to, not for to-day, nor for tomorrow, but for years, for ever through the whole course of your life, with no murmur on your lips, no regret in your heart. As to you your-

self, if you are quite sure of your own perseverance I esteem you happy in quitting this tumultuous scene, where I too often feel the deep disgust of life not to set at its highest value that sweet peace of the soul which he enjoys, who has been so favoured by God as to be called far from this maddening game of passions, of follies, and of crimes, which have never been so rampant I believe before in the world. But is there not perhaps a touch of selfishness in your resolution? are you quite sure that you are not sacrificing something of duty to inclinations? God has given you talents, does He permit you to hide your light under a bushel? There is more than one way, my dear friend, of sacrificing your life..... Assuredly I honour from the bottom of my heart those heroes of religion, who devote themselves to this life of perfection and of continual sacrifice, in which, when they bring the light of heaven and of charity, there is so much good to be done both to themselves and to others. But one must needs obtain the grace of the Almighty to be a true hero, because if we fall back in returning to our former state, we become less than man."

This beautiful letter, some may perhaps think, breathes a little too much of the spirit of the world. But we must not be too severe on its amiable and virtuous writer. Ravignan was, indeed, a true hero, lavish of his life for others, without the slightest drawback of selfishness, without a single touch of self-love in his subdued nature. A man indefatigable in labour and yet collected in prayer, a preacher in the world, and yet a man deeply versed in the hidden paths of spirituality and mortification. Silence and solitude were a want of his nature; "he was never less alone," he used to say, "than when alone." After the triumphant jubilees of Notre Dame, he would retire to solitude, and refresh his heart in the presence of God. Great was his love for St. Ignatius and his order, and it was shown in the preservation of his rule. Its preservation, he urged, especially in these latter days, was the first duty of superiors—because it was the first want of inferiors. Like a true Jesuit, he was humble of heart. He did not desire the cross on the breast of bishops, because, like the crown on the brow of kings, it was of gold; he preferred to put on the livery of shame, to quote the words of St. Ignatius, which his Divine Master had worn, and to bear out of love and respect for Him, as He had borne them, reproaches, false testimonies and insults, without ever having given any cause therefor.

And such was Ravignan when he came to die. His apostolic life was drawing to a close. "That life," as

M. de Saint-Albin so eloquently says, "dedicated during so many years to preach the Gospel to the great ones of the earth; the great by power, by fortune, by birth, by glorious names, and by intelligence, gave its first fruits to the poor. That voice which was to resound with such success from the pulpit of Notre Dame, or in the little chapel of the Sacred Heart at Paris, was first heard proclaiming the good tidings of the Gospel in a small country church at Monthey in la Valais, not far from the lake of Geneva." The decision of character which marked him out all through life, was manifest in his death. He knew he was to die; but he had no idle curiosity as to the day, or the hour, or the manner of his death. Conscious of approaching dissolution, he left the more minute particulars in the hands of that All-Wise Father who keepeth time in His own hands. "We must manage," he said, "this matter of death, as we manage all affairs of life, only with even greater decision and promptitude."

There was a consultation held among his physicians; he wished to know the result. "Do not hesitate to tell me the truth—I have no fear. Of course, by reason of my many sins, I ought to tremble before the justice of God; but our Lord is so good, and, besides, to die, is not that the best? I must needs watch over my heart, lest the power of nature should be too much for me in this my last illness. It is the will of God—all is for the best. Oh! what a grace! what gladness for me to die in my order, in the dear Society of Jesus! Oh, joy of joys! how unworthy I was of such a favour!"

From that day the desire of death was rooted in his heart. It was not the fierce wrestling of an unquiet spirit eager to be gone, and to be at rest. Nor yet did this desire of death spring from weakness of body or cowardice of mind; still less did it arise, as is too often the case in the warfare of the world, from weariness of heart, or from baffled ambition; but it was the result alone of a calm and single-hearted love of God. Relics were sent to him from Italy, from England, and from Germany, where numerous novenas were said for his recovery. "I am convinced," he observed, "that God will not work a miracle in my behalf; I do not deserve it; and, moreover, I do not desire it." Then, after a short pause, he added: "My desire for death is perhaps too great; but God is my witness, it is

not to escape suffering on earth, but only the longing to be with Him in heaven."

One of his nephews wrote, urging him to repair to the south. "Dear fellow!" cried Father de Ravignan; "go to the south, indeed; I have another journey to make, a far better journey." The voyage of his life was nearly over. "Ah!" said he to his friends, when from very weakness he could no more be lifted up to his accustomed arm-chair by the fire-side, "never more shall I rise from this bed; this is my last position." But even in his great weakness he did not forget the convent of *Sacré Cœur*, where the last labours of his life were spent. In the small confessional of that little chapel, what wonders of grace did he not work! How many conversions from infidelity and Protestantism did he not bring about! How many an English Catholic convert does not remember with gratitude Father Ravignan and the chapel of the Sacred Heart! His memory is like a living prayer in that pious and grateful community.

By an effort of nature he wrote almost from his death-bed, a letter to the Rev. Mother of that convent which was so dear to him. It was the last letter he ever wrote.

"My dear Rev. Mother,—I avail myself of a moment in which I can still rally sufficient strength to write a few words; in a short time I shall be able to do so no more.

"I cherish a kindly remembrance of your dear community at Conflans and of its Reverend Mother.

"Live, my dear Sisters, in the spirit of faith—wage war against the inclinations of nature. Be of good heart, and reckon on the infinite mercy of our Lord. Ever since I have had a clear conviction of my approaching end, I have been calm and joyous. Oh may it not be long in coming!

"In heaven, if God vouchsafes to call me thither, I shall not forget you—Fever is consuming me. Farewell. In the everlasting world I will bless you."

His desire was to die on St. Joseph's feast, or on Lady day. He was called to celebrate these festivals in heaven.

We will not attempt to describe the closing scene of the eventful life of Ravignan. It is better left to the imagination. We will not enter within the portals of St. Sulpice, which witnessed the commencement of his triumphant labours, and now receives the labourer back in the solemn repose of death. The shops are closed in the streets, along which the funeral train passes. Heads are uncovered in

respect before the Jesuit dead, which were often wagged in scorn at the very name of a living Jesuit. The doors are besieged by eager multitudes. We hear the voice of the preacher broken by grief, crying out "the dead man still speaketh;" he speaks to the hearts of men from the silence of the grave. His words are winged with life. The stone is rolled back; they arise from the dead, and appeal to the living with a new force which they have gained in the grave. They enter every soul they come near; they touch every heart they reach: death places no barrier between his voice and the hearts of men; and earth has no grave so deep as to hide him from the country he loved. He has but stepped aside for a time; he still lives and watches, and prays. He is near, though we see him not; he speaks and we listen. "*Mortuus adhuc loquitur.*"

We can well imagine how the future of France was the subject of his most fervent prayers. If the world has to last another half century, it will need the aid of France, Catholic, and strong, to bear up against the evil elements at work. She must revive her old civil and ecclesiastical liberties to surround and guard a throne, that has so often been assailed by wild licence, under the specious name of freedom. There are many who blame the severities of Napoleon, let us, in extenuation, quote the following passages from a noble discourse by Donoso Cortes, the celebrated Spaniard. "If we had to choose, gentlemen, between liberty on the one side, and despotism on the other, there would be no disagreement between us. Who indeed, able to enjoy liberty, would prostrate himself before despotism? But it is not a question between liberty and despotism; otherwise I and all my political friends would vote for liberty. But this is the question, whether we are to prefer the despotism of revolution, or the despotism of government. Under this alternative I would choose the despotism of government, as the less severe and the less disgraceful. We have to choose between despotism from below and despotism from above. I would choose the despotism from above, because it descends from regions more calm and more pure. We have to choose between the despotism of the dagger, and the despotism of the sword. I would choose the despotism of the sword, because it is the more noble;" and, afterwards writing to a friend, he said, "We must not confound a state of things, to which we submit in order to avoid great

evils, with a state of things to which we are bound by the ties of love. Those who give to the first what is only due to the second, have neither a sense of personal dignity, nor of distributive justice." We are not to rejoice in this abnormal state, but merely should submit to it, as to an inevitable necessity. "*Virtus est vitium fugere, et sapientia prima stultitiâ caruisse.*" Napoleon puts his trust in the army and in the Church. The insolence of the soldiery is on the increase; and he must take heed lest he become a slave to the creature of his own making; and if the influence of the Church is not on the wane, we must yet remember, that the "organic articles," though at present in abeyance, still subsist. Kings are fond of power, and Gallicanism flatters the ambition of kings, and is in its turn favoured by them. Gallicanism has still to be trodden out in France, and Napoleon must avoid above all things a collision with the successor of St. Peter. His friends point to the occupation of Rome in proof of his regard for the Holy See; the letter to Edgar Ney, on the other hand, lives in the tenacious memory of his enemies. His friends adopting the courtly tone of Horace towards Augustus, address him in the words of that accomplished poet and flatterer:

"Cum tot sustineas et tanta negotia solus,
Res Italas armis tuteris, moribus ornes,
Legibus emendes."

Men should not be impatient with thee, O Cæsar, the defender of law, and the upholder of civil order. It is wise to be hopeful and bright-hearted, and to trust the future. But law hath an universal operation; she lays her majestic hand on the highest as well as on the lowest. We may not inaptly here apply, in conclusion, the description of Law, as given by the eminent Protestant author of Ecclesiastical Polity, so often termed, the judicious.

"Of Law," he observes, "what other can be said, but that her seat is the bosom of God; her voice the harmony of the world; the very least feeling her care, and the greatest not exempt from her control."

ART. VII.—*Travels and Discoveries in North and Central Africa*, being the Journal of an Expedition undertaken under the auspices of H.B.M.'s Government, in the years 1849—1855, by Henry Barth, Ph. D., D.C.L., Fellow of the Royal Geographical and Asiatic Societies, &c. 5 vols., 8vo. London, Longman and Co., 1858. Vols. iv. and v.

IN the slight notice of Dr. Barth's travels, which appears in one of our late numbers, we parted with the learned explorer at the close of his third volume. The two volumes which have since appeared complete the history of his discoveries, and although they bring to our knowledge nothing very startling or imposing, they make us acquainted with several peculiar conditions of society, start a good many curious problems, and give rise to much interesting speculation. The plans of Dr. Barth, as he himself informs us, were disconcerted in a great measure by the death of his friend and companion, Mr. Overweg. It had been his original intention to venture once more into Kanem, and push his way along the north-east shore of Lake Tsad. Having abandoned that route as dangerous, and even impracticable, under existing circumstances, he determined to turn his steps westward, in the direction of Sôkoto, and by way of Zinder, at which town he expected to find remittances from England, which would enable him to pursue his journey. Accordingly, on the 19th November, Dr. Barth took leave of the Sheikh of Bornu, and proceeded on his expedition, accompanied by several mussulman attendants, in whom he appears to have reposed much confidence, and by whom he was faithfully served. His journey to Katsena was not particularly interesting or adventurous. The face of the country, however, begins to assume a more diversified character according as the explorer approaches the frontier of the Bornu territory, and the condition of the population improves in proportion as they have been exempt from the effects of invasion and conquest. The ruins of Ghasr-eggomo, the ancient capital of Bornu, which had been represented to Dr. Barth, by some of his Arab informants, as superior in grandeur and extent to Cairo itself, were found by him to give no indications of greatness such as had been ascribed to them. The only thing that strikes one as unusual in a journey through

Central Africa is the author's account, that the nights were actually chilly, a piece of news that is positively refreshing to a reader, who has been entertained with hardly anything but blazing suns, thirsty sands, clouds of mosquitoes, and everything that is disagreeable or noxious in African travel. On the 25th December, 1852, Dr. Barth reached Zinder, where he received the expected supplies in about three weeks, and set forward upon his journey to Katsena.

The disturbed state of the country rendered travelling a very precarious thing for any one, and more especially for Europeans. The necessity of carrying bulky presents for all the chiefs upon the line of road, and even for all their subordinates, is a source of great danger, as the presents necessarily attract the covetousness of predatory tribes; and consisting, as they do, of articles of wearing apparel, highly finished pistols, bales of cloth, and matters of a similar description, cannot easily be secreted or put out of the way. In a country, moreover, where the central authority commands so little respect, and in which there are often, as appears from Dr. Barth's account, several pretenders to the same rank, it is easily understood that every governor, or sheikh, or sheriff, should view with jealousy the value of his own presents as compared with those intended for his equal, or even for his superior. Hence a great deal of embarrassment was caused to Dr. Barth by the pretensions of the petty authorities with whom he was thrown into contact, none of whom he could quite afford to slight, while many of them had it in their power to do him serious injury, if not altogether to defeat the object of his expedition. It certainly must have required great perseverance, and no small degree of tact, to enable Dr. Barth to pursue his journey amid so many difficulties, although it was only at rare intervals that he was threatened with actual violence. His course was necessarily beset by manifold anxieties, not merely for his personal safety, but for the success of the expedition; as a mere catalogue of adventures and escapes, no matter how romantic or exciting, would by no means satisfy the expectations of the government, to forward whose objects he had set out. A great many of the towns and countries through which he passed were filled with recollections of Mungo Park, and many of the inhabitants with whom Dr. Barth was brought into relation, had seen and conversed

with that intrepid traveller. In some cases Dr. Barth had actually to deal with men who it was probable had taken part in the recent murder of Major Laing ; and his expulsion from Timbuktu was demanded by the very chief who had planned and executed that murder. All these circumstances must have been uncomfortably suggestive even to so resolute a traveller as Dr. Barth. But his difficulties did not end here ; for even supposing the chiefs and the natives not to have entertained any such deadly designs, it was a very hard task to satisfy their rapacity in the matter of presents ; and although each gift might be small in amount, still the resources of a traveller are not exhaustless ; and there was more than a risk of not receiving supplies from Europe, or of the supplies being intercepted ; a state of things which would render his position and prospects desperate indeed. Fortunately, however, he contrived to husband his means in such a way that when he was left for some time without supplies, a circumstance owing in great measure to a report of his death, he was sufficiently near his journey's end to be enabled to make arrangements for its completion.

It cannot be said that there are in Dr. Barth's work any of those animated descriptions of nature which within the last few years have received the name of word-painting, and in which his countrymen are usually very successful. Perhaps if Dr. Barth had written in his own language he might have done more in this way, or perhaps the character of the scenery did not admit of fine writing. The author, however, rather frequently speaks of beautiful or striking scenery ; and since such did exist, a reader is somewhat disappointed at not learning somewhat of its peculiar features, inasmuch as " monkey-bread trees " and " Deleb Palms," or even " luxuriant vegetation," will not help him very much in forming an idea of the country described ; and although he may be greatly assisted by the plates and wood-cuts in the volumes, they are not strictly a part of the book, considered as a literary production.

With regard to the commercial resources of Negroland, as a producing country, Dr. Barth is obliged to speak more of its capabilities than of its actual productions. He has noticed several districts of Negroland favourable to the growth of coffee, others to that of tobacco, others to that of cotton, and several to that of rice. The swampy tracks, and the deltas of great rivers

in tropical regions must, as a matter of necessity, be suited to the growth of the latter commodity, and with a large population, and a settled government, there is no saying to what extent the resources of those countries might be developed, and how great might be the consequent development of European commerce with them. While, however, they are in a constant state of warfare, under the so-called government of petty officers, who are in no real dependance upon a central authority, and the least powerful of whom might be strong enough to defeat the best planned, and best organized expedition, it seems almost hopeless to expect any regular and permanent intercourse with a country so circumstanced. One thing struck us as rather out of place in Dr. Barth's account. He constantly makes use of the terminology of European politics in describing the condition and history of the miserable tribes of Negroland. Thus he speaks of the Bornu "empire" and of the "war of independence," as if those terms had really any relation to the territory, or the conflicts which they were supposed to designate. It requires something more than square miles to constitute an empire; and a war, which would not confer the smallest degree of personal or political freedom on the people, can, in hardly any sense be termed a war of independence. These are, however, slight defects, and of form merely, in a work which is intended to be practical rather than entertaining; and after all, in a journey like that of the author, the incidents must certainly be of an uniform character, and make but a slight impression upon the reader, although, to the relator, they are quite distinct and vivid; as, in many of them, he had to play a sharp, and sometimes a bold game for his life, and may be supposed to remember very clearly indeed, and with the utmost accuracy, every individual occurrence that he details.

It is not to be supposed, however, that slight as was the hold of any central authority upon the various districts of Negroland, and great as was the power of subordinates for annoyance and obstruction, certain of the chieftains were not without a predominating influence; and accordingly, it became necessary for Dr. Barth to obtain letters from the leading governors or princes, something in the nature of a passport. It was also his object to enter into treaties, more or less formal in character, with such of them as might be considered competent to treat. Accordingly, Wurno, the

residence of the Emir, or Sultan of Sókoto, was one of the principal stages of Dr. Barth's journey to Timbuktu ; as it was essential for Dr. Barth in his character, whether of diplomatist or traveller, to obtain the sanction and protection of this potentate for his further progress and transactions. Upon reaching Sókoto he was graciously and hospitably received by the Emir, to whom he made suitable presents ; but was obliged to remain in Wurno, the modern capital, until the Emir should have returned from an expedition, upon which he was just starting. Dr. Barth, in the interval, made excursions to the ancient capital, and also devoted his time to the study of the history of that part of Negroland, and especially of the Fulbe or Fellani tribe, the dominant race in this country, and with the name of which we are made familiar in the course of Dr. Barth's travels. Dr. Barth enters into this part of his labours with all the zest of a German ethnologist and philologer ; and we have no doubt that his account is as trustworthy, and his views as correct, as under the circumstances we can expect them to be. After a considerable stay in Wurno, Dr. Barth was released by the return of the Emir, with whom he concluded a kind of commercial treaty on behalf of the British Government. He also received from the Emir, what he calls letters of Franchise, recommending him to the support and protection of all the officials with whom he should be brought into contact. His arrangements having been at length completed, he started from Wurno, for the town of Say, upon the Niger, which might be considered his next great station. Here his course began to be beset by greater difficulties than he had yet to encounter, inasmuch as the Mussulmans of the districts now to be travelled, became more fanatical in proportion to their distance from European intercourse, and as the presence of a solitary Christian was considered a pollution. However, by dexterity, by a good deal of suppleness, by some firmness, and by very much patience and forbearance, the traveller managed to reach the town of Say, where fever, an enemy more formidable still than the Fulbe, had its head quarters. Here, probably, Dr. Barth's description of his first view of the Niger previously to reaching Say, will not be without some interest.

“ Forest and cultivated ground then again succeeded each other alternately ; and having passed a farming-village of some extent

called Tanna, we took up our quarters about four miles beyond, in a village called Tóndifú, but were obliged to use force to obtain a hut for our use, as the head man of the village was too lazy, or too obstinate, to leave his cool shed in the heat of the day: probably here also the news of the proceedings of their countrymen in Zaberma kept the minds of the people in a state of excitement. The hamlet, which is rather a miserable one, has received its name from lying at the commencement of a rocky district, which extends from here to the river, a hill or mound being called 'tónði' in the Songhay language. We were now close to the Niger; and I was justified in indulging in the hope that I might the next day behold with my own eyes that great river of Western Africa, which has caused such intense curiosity in Europe, and the upper part of the large eastern branch of which I had myself discovered.

"Elated with such feelings, I set out the next morning, at an early hour; and after a march of a little less than two hours, through a rockly wilderness covered with dense bushes, I obtained the first sight of the river, and in less than an hour more, during which I was in constant sight of this noble spectacle, I reached the place of embarkation, opposite the town of Say.

"In a noble unbroken stream, though here, where it has become contracted, only about 700 yards broad, hemmed in on this side by a rocky bank of from twenty to thirty feet in elevation, the great river of Western Africa (whose name, under whatever form it may appear, whether *Thiúlibá*, *Máyo*, *Eghírräu*, *I'sa*, *Kwara*, or *Bákin-rúwa*, means nothing but 'the river,' and which therefore may well continue to be called the Niger) was gliding along, in a N.N.E. and S.S.W. direction, with a moderate current of about three miles an hour. On the flatter shore opposite, a large town was spreading out, the low rampart and huts of which were picturesquely overtopped by numbers of slender *dúm* palms.

"This is the river-town, or 'ford,' the name Say meaning, in this eastern dialect, 'the river.' The Fúlbe call it *Ghútil*, which name may originally have been applied to the ford at the island of *Oitilli*. The banks at present were not high; but the river, as it rises, approaches the very border of the rocky slope.

"I had sent a messenger in advance, the preceding day, in order to have some large boats ready for me to cross the river. But no boat having arrived, I had plenty of leisure for contemplating the river scenery, which is represented in the plate opposite. There were a good number of passengers, Fúlbe and Songhay, with asses and pack-oxen, and there were some smaller boats in readiness suitable to their wants; but at length the boats, or rather canoes, which were to carry me and my effects across, made their appearance. They were of good size, about forty feet in length, and from four to five feet in width in the middle, consisting of two trunks of trees hollowed out, and sewn together in the centre. These boats are chiefly employed for conveying the corn from the town of Sin-

der, which lies higher up the river, to the town of Say ; and they had been expressly sent for by the 'king of the waters,' or the inspector of the harbour, the 'serki-n-jirgi,' or 'lámido-lála,' as he is called by the Fúlbe, or 'hiyokoy,' according to his title in the Songhay language. The largest of them was able to carry three of my camels ; and the water was kept out much better than I had ever yet found to be the case with the native craft of the inhabitants of Negroland.

"My camels, horses, people, and luggage having crossed over without an accident, I myself followed, about one o'clock in the afternoon, filled with delight when floating on the waters of this celebrated stream, the exploration of which had cost the sacrifice of so many noble lives. A little nearer the western bank, a short distance below the spot where the river is generally crossed, an isolated rock starts forth from the river, rising at this season from twelve to fifteen feet above the surface ; and beyond there is a smaller one, which, as the river rises a little higher, becomes covered by the water. The sight of the river was the more momentous to me, as I was soon again to take leave of it ; for my former notion, that I should be able to reach Timbúktu only by way of Libtáko, had been confirmed in Gando, and I only entertained a slight hope that perhaps on a future occasion I might visit that part of the river between Timbúktu and Say. From the very beginning I entertained strong doubts whether I should be able to reach the western coast ; and it seemed to me more interesting to survey the course of the Niger between the point where it has become tolerably well known by the labours of Mungo Park and René Caillié and the lower portion explored by the Landers, than to cross the whole extent of Central Africa."—vol. iv. pp. 240-43.

The incidents of travel and the appearance of the country between Say and Timbuktu, which was the farthest point of Dr. Barth's explorations, were almost the same as in the preceding part of his journey. According as Mussulman fanaticism, however, grew stronger and more determined, the author considered it necessary to put on his Mahometan character, as he had done on former occasions, and in resorting to this expedient, he appears to have been governed by no other considerations than those of expediency. It so happened, indeed, that unless, in a few instances it was known beforehand in the places which he visited, that he had generally travelled as a Christian ; but whenever he thought it necessary, and found it practicable, he assumed the Mussulman character. Some of the governors do not seem to have had much higher notions of duty in this respect than had Dr. Barth ; for they

laughed at the cheat that he had practised upon their co-religionists. In very many instances he was obliged to enter into controversy with the more zealous of his Mussulman friends, who wished to make a proselyte of him. His line of argument was somewhat peculiar for a professing Christian, and went to show that between Christianity and Islam, there were none but trifling ritual differences, and that substantially they were the same religion. We cannot say that we are disposed to blame Dr. Barth individually. It is quite certain that in his place the great majority of educated German Protestants would have no scruple in following the same course, and that they do not in truth regard Christianity and Mahometanism as essentially differing. This is only the natural result of evangelical alliances on the basis of "essential truths;" and there really could be no valid reason for excluding any Mahometan who would condescend to join such a meeting as was held in Berlin last year, from the communion of believers there assembled. Unfortunately, but we should say, inevitably, the same looseness of belief is not confined to German Protestantism, for we have benefited clergymen in Britain, treating the Scripture history of the fall of man as a fable, or, at best, as an allegory; and the Westminster Review dealing in a similar way with the whole system of revealed religion. Indeed, Dr. Barth himself states, that the line of argument he adopted on those several occasions is easy to a Protestant Christian; and it is doing that gentleman no more than justice to say that he does not appear to have advanced a single argument which he did not believe to be true, in substance and in fact; for it is greatly to be feared, that when many of Dr. Barth's countrymen, and many of our own, make anything like actual profession of a distinctive doctrine of Christianity, they do so from habit, or perhaps out of deference to popular prejudices, much as Cicero used to appeal to the "*Dii Immortales*." But, however that be, we feel that we should not do amiss to introduce Dr. Barth in one part in his Mussulman character, as acted shortly before his arrival at Timbuktú, and which appears in the book under the appropriate head-line of "*Various performances*."

"I had scarcely returned to [my quarters, when the governor, or emir, of the place came to pay me a visit. This man, whose

name was 'Othmán, was a cheerful kind of person. He stands in direct subjection to the chief of Hamda-Alláhi, without being dependant upon any other governor; and his province comprises some other places in the neighbourhood, such as Fatta, Horeséna, and Kabéka. Having made strict inquiries with regard to the present state of affairs in Stambúl, and having asked the news respecting the countries of the East in general, he left me, but returned again in the course of the afternoon, accompanied by the chief persons in the town, in order to solicit my aid in procuring rain. After a long conversation about the rainy season, the quantity of rain which falls in different countries, and the tropical regions especially, I felt myself obliged to say before them the 'fat-ha,' or opening prayer of the Kurán; and, to their great amusement and delight, concluded the Arabic prayer with a form in their own language,—'Alla hokki ndiam,'—which, although meaning originally 'God may give water,' has become quite a complimentary phrase, so that the original meaning has been almost lost, few people only being conscious of it. It so happened that the ensuing night a heavy thunder-storm gathered from the east, bringing a considerable quantity of rain, which even found its way into my badly thatched hut. This apparent efficacy of my prayer induced the inhabitants to return the following day, to solicit from me a repetition of my performance; but I succeeded in evading their request by exhorting them to patience. But, on the other hand, I was obliged, in addition to a strong dose of emetic, to give the governor my blessing, as he was going to the capital, and was rather afraid of his liege lord the young prince A'hmedu, while at the same time his overbearing neighbours the Tawárek inspired him with a great deal of fear. In the sequel, he was very well received in the capital, and therefore could not complain of the inefficacy of my inspiration; but nevertheless, not having had the slightest suspicion that I was not what I represented myself to be, he was much shocked when he afterwards learned that I was a Christian, to the great amusement of the Sheikh el Bakáy, who wrote to him repeatedly to the effect that he ought to be well pleased that so wicked a person as a Christian had procured him, not only rain, but even a good reception from his superior."—vol. iv. pp. 374-76.

At length, in September, 1853, Dr. Barth made his entrance into Timbuktu, in which he appears to have found a tolerably strong development of an established religion, but which, as we are assured by Sydney Smith, contains amongst all its curiosities, nothing half so wonderful as the English Church establishment in Ireland. The Mussulman population of the town itself, does not, according to Dr. Barth's account, seem naturally malevolent, but its fanaticism appears to be easily stimulated;

and notwithstanding the protection which the traveller received from the courteous and friendly Sheikh; the Prince of Hamda Allahi was enabled to work upon the population so as very much to endanger the safety of Dr. Barth. Not only was the place itself alarmingly suggestive, to any stranger, of the fate of Major Laing, but the very chief, Hamed Weled Abeda, who had killed Major Laing, had bound himself, and his entire tribe, by oath, to slay Dr. Barth. These circumstances did not all come to his knowledge at once; for when he reached the town, the Sheikh El Bakay, from whom he afterwards experienced so much kindness and protection, was absent, and Dr. Barth was obliged to keep the quarters assigned to him, in strict privacy.

We have travelled somewhat out of the course of Dr. Barth's narrative, for he enters at considerable length into the history of Songhay and Timbuktu, as well as into their commercial and political relations with Morocco, Egypt, and the Mediterranean. The town of Timbuktu itself he describes as the only one in the interior of Africa which can be properly described as a city (*medina*); and it would not appear, from his account, that it is likely, for a long time, even under the most favourable circumstances, to become the centre of any very extensive commerce. It was with the utmost difficulty he managed to evade the attempts of his enemies. Even his servants, and those who were supposed to extend an official protection to him, were either in correspondence with the enemy, or exacted such hard terms in consideration of their services, as threatened completely to exhaust the resources of the traveller. The Sheikh El Bakáy, upon whose sincerity and good will Dr. Barth had placed a well-merited reliance, had not yet arrived; and the Sheikh's own brother was amongst the most persevering and insatiable of his tormentors. In addition to his other trials, and while he continued what might be called a close prisoner, Dr. Barth was attacked by what he calls fever, but it seems in truth to have been nothing more than a feverish movement, which, by the French, and by Continentals generally, is often called fever. This disorder, however, although probably very distressing and alarming, was not of sufficient gravity to prevent the sufferer from taking all the steps for his personal safety and defence which the circumstances seemed to require. The arrival of the Sheikh El

Bakáy, however, was a very seasonable relief to Dr. Barth. He is described by the latter as a man of a good heart, and straightforward character, prepared to defend the laws of hospitality, and to protect his friend, though not decided or energetic in character, and not very strictly observant of his word. The immediate effect of his arrival was the removal of the close restraint in which Dr. Barth had been kept during his absence, and some interruption of the importunities by which he had been annoyed. Various places for his retirement were discussed between himself and the Sheikh, and the latter, prompted by the intriguers who surrounded him, proposed that Barth should despatch a letter, along with one from himself, to the British Consul at Ghadames or Tripoli, and that, pending the answer and the receipt of certain articles, which the Sheikh had written for, Dr. Barth should remain in Timbuktu. Dr. Barth, however, wisely declined acceding to any such proposal, and insisted that any reward to which the Sheikh might entitle himself by his good offices, should depend upon the safe return of Barth to the protection of his own government. The effect of all their intrigues, and of subsequent events was, that Dr. Barth was not enabled to leave Timbuktu for a period of eight months.

Shortly after the arrival of the Sheikh El Bakáy, matters began to assume an aspect at least as threatening as they had worn before his coming. The enemies of Dr. Barth became more urgent for his death, or at all events, for his expulsion, which was another word for the same thing. The Sheikh, notwithstanding the authority belonging to his religious character and office, found it would be unsafe for him to keep his guest any longer in the town itself, and accordingly withdrew to an encampment in the immediate neighbourhood, taking Dr. Barth along with him. The narrative is here somewhat diversified by a description of the camp life of a Sheikh, which, however, Dr. Barth warns us, is not of the same character as the ordinary camp life of the country. Still, in spite of every precaution, the life of the traveller continued to be threatened, and on one occasion hostilities were actually on the point of commencing, as described in the subjoined passage.

“Having passed a rather anxious night, with my pistols in my

girdle, and ready for any emergency, I was glad when, in the morning, I saw my boy return accompanied by Mohammed el 'Aish. But I learned that the people of the town were in a state of great excitement, and that there was no doubt but an attack would be made upon my house the next morning. Thus much I made out myself; but, having no idea of the imminence of the danger, in the course of the day I sent away my only servant with my two horses, for the purpose of being watered. But my Tawáti friend seemed to be better informed, and taking his post on the rising ground of the sandy downs, on the slope of which we were encamped, kept an anxious look out towards the town. About dhohor, or two o'clock in the afternoon, he gave notice of the approach of horsemen in the distance, and while I went into my tent to look after my effects, Mohammed el Khahl rushed in suddenly, crying out to me to arm myself. Upon this I seized all the arms I had, consisting of a double-barrelled gun, three pistols, and a sword; and I had scarcely come out when I met the Sheikh himself with the small six-barrelled pistol which I had given him in his hand. Handing one of my large pistols to Mohammed ben Mukhtár, a young man of considerable energy, and one of the chief followers of the Sheikh, I knelt down and pointed my gun at the foremost of the horsemen who, to the number of thirteen, were approaching. Having been brought to a stand by our threatening to fire if they came nearer, their officer stepped forward crying out that he had a letter to deliver to the Sheikh; but the latter forbade him to come near, saying that he would only receive the letter in the town, and not in the desert. The horseman, finding that I was ready to shoot down the first two or three who should approach me, consulted with each other and then slowly fell back, relieving us from our anxious situation. But, though reassured of my own safety, I had my fears as to my servant and my two horses, and was greatly delighted when I saw them safely return from the water. However, our position soon became more secure in consequence of the arrival of Sidi A'lawáte, accompanied by a troop of armed men, amongst whom there were some musketeers. It now remained to be decided what course we should pursue, and there was great indecision, A'lawáte wanting to remain himself with me at the tents, while the Sheikh returned to the town.

"But besides my dislike to stay any longer at the encampment, I had too little confidence in the younger brother of the Sheikh to trust my life in his hands, and I was therefore extremely delighted to find that El Bakáy himself, and Mohammed el 'Aish, thought it best for me to return into the town. At the moment when we mounted our horses, a troop of Kélhekikan although not always desirable companions, mounted on mehára, became visible in the distance, so that in their company we re-entered Timbúktu, not only with full security, but with great *eclat*, and without a single person daring to oppose our entrance; though Hammádi, the

Sheikh's rival, was just about to collect his followers in order to come himself and fight us at the tents. Frustrated in this plan, he came to my protector in his 'msid,' or place of prayer in front of his house, and had a serious conversation with him, while the followers of the latter armed themselves in order to anticipate any treachery or evil design, of which they were greatly afraid. But the interview passed off quietly, and, keeping strict watch on the terrace of our house, we passed the ensuing night without further disturbance.

"This happened on the 1st of December; and the following morning, in conformity with the Sheikh's protest, that he would receive the emir of Hamda-Alláhi's letter only in Timbúktu, the messenger arrived; but the latter being a man of ignoble birth called Mohammed ben Saïd, the character of the messenger irritated my host almost more even than the tenor of the letter, which ordered him to give me and my property up into the hands of his (the emir's) people. After having given vent to his anger, he sent for me, and handed me the letter, together with another which had been addressed to the emir Kaúri, and the whole community of the town, Whites as well as Blacks (el bedhán ú e' sudán), threatening them with condign punishment, if they should not capture me, or watch me in such a manner that I could not escape."—vol. iv. pp. 492-95.

It may be easily supposed that all those circumstances increased the anxiety of Dr. Barth to leave so inhospitable a spot. He felt that it would not answer to subject the friendship and patience of El Bakáy to too severe a strain. The harmony of the capital was disturbed, the people were obliged to pay a heavy fine, and everything was thrown into confusion for the protection of a solitary stranger, whose precise objects were unknown, and whose very protectors regarded him as an infidel; although his personal good qualities perhaps, and some prudential considerations of state, interposed to protect him from the fate which in strictness he deserved. He was regaled too, although at his own request, with detailed accounts of the murder of Mungo Park and of Major Laing, which could not fail to cause him a good deal of uneasiness, and impart considerable earnestness to the representations with which he pressed his departure upon the Sheikh.

Meanwhile his enemies persevered unabatingly in their attempts; but he appears to have derived a very timely advantage from the death of one of his persecutors at a peculiar conjuncture. This individual was the son of Hamed Weled Abeda, the murderer of Major Laing. He had actually come with a hostile force, and pitched his

camp outside the town, near that of the Sheikh, but died after two days' illness. The suddenness of his death, connected with the fact that his father was the murderer of Major Laing, and with the idea prevalent amongst the people, that Dr. Barth was Major Laing's son, filled the assailants with consternation, and procured a short respite for Dr. Barth from the more open attacks of his enemies. Perhaps the most important chapter of this portion of the work, in a practical point of view, is that which treats of the commercial relations of Songhay and Timbuktu with the neighbouring countries, and with Europe. Gold, salt, rice, negro corn, and a species of nut, called the Kola nut, would seem to constitute the principal articles of inland trade; while manufactured cloths and cutlery, both of English make, and which reach Timbuktu by way of Mogador, are the chief imports from Europe. At length, after eight months of what might be called captivity in the camp of the friendly Sheikh, and after several false starts, Dr. Barth was permitted to begin his homeward journey. The Sheikh had gone before, for the purpose of ascertaining that the road was free from danger or obstruction; and upon receiving intelligence from him to that effect, the camp broke up, and after a march of some miles Dr. Barth and his companions reached the halting-place of El Bakáy. That reverend person was asleep under a tree when the cavalcade reached him; but he was suffered to take his rest, and upon awaking gave to Dr. Barth a packet of letters and papers from Europe. The account given by Dr. Barth of the arrival of the parcel, and its adventures on the road, is not amongst the least interesting passages of the volume.

"At length my friend awoke, and I went to him. He received me with a gentle smile, telling me that he was now ready to conduct me on my journey without any further delay or obstruction, and handing me at the same time a parcel of letters and papers. There were copies of two letters from Lord John Russell, of the 19th February 1853; one from Lord Clarendon, of the 24th of the same month; a letter from Chevalier Bunsen; another from Colonel Hermann; two from Her Majesty's agent in Fezzán. There were no other letters, either from home or from any of my friends; but there were, besides, ten Galignanis, and a number of the Athenæum, of the 19th March, 1853.

"I can scarcely describe the intense delight I felt at hearing again from Europe, but still more satisfactory to me was the

general letter of Lord John Russell, which expressed the warmest interest in my proceedings. The other letters chiefly concerned the sending out of Dr. Vogel and his companions, which opened to me the prospect of finding some European society in Bórnu, if I should succeed in reaching my African head-quarters in safety. But of the expedition to the Tsadda or Bónuwe, which had started for its destination some time previously to the date of my receiving these letters, I obtained no intimation by this opportunity; and, indeed, did not obtain the slightest hint of that undertaking, of which I myself was to form a part, till December, when it had already returned to England.

"I thanked the Sheikh for having at length put me in possession of these despatches; but I repeated at the same time my previous remark, that if he and his friends wanted to have 'imána,' or well established peaceable intercourse with us, security ought first of all to prevail as to our letters, and I was assured that this parcel had been lying in A'zawád for at least two months. But the Sheikh excused himself, stating that one of the chief men in that district, probably the chief of the Bérabîsh, had kept them back under the impression that they might contain something prejudicial to his country; an opinion which, of course, could not fail to be confirmed by the proceedings of the French in the south-western districts bordering upon Algeria. But, altogether, the history of this parcel was marvellous. It had evidently come by way of Bórnu; yet there was not a single line from the vizier, who, if all had been right, I felt sure would have written to me; moreover, the outer cover had been taken off, although the seal of the inner parcel had not been injured. But the reason, of which I, however, did not become aware till a much later period, was this, that, before the parcel left Sókoto, the news of the execution of the vizier had already reached that place, when the letter addressed by that person to myself was taken away, and probably also something else which he had sent for me. But, it moreover happened that the man who was commissioned to convey the parcel to Timbúktu was slain by the Góberáwa, or Mariadáwa, on the road between Gando and Say, at a moment when the packet was by accident left in the hands of a companion of his, who, pursuing his route in safety, took it to A'zawád. But the death of the principal bearer of the letters addressed to me, in all probability, contributed not a little to confirm the rumour of myself having been slain near Marádi. However, at that time, and even much later, I had no idea that such rumours were current in the quarter which I had left."—vol. v. pp. 141-3.

The narrative now takes the reader on to Gogo, the ancient capital of Songhay, after seeing which, Dr. Barth again crossed the river, after parting with his friend, El Bakáy, and retraced his steps towards Say, Gando, Sókoto,

and Wurno, in all of which he was kindly received by his former hosts. His five years residence in this part of Africa had now begun to tell upon his health, and we find him suffering from rather obstinate dysentery, which at length yields to the imperfect treatment he was enabled to give to it on his march. Upon arriving at Kano he describes his position as one of extreme embarrassment. Owing to the report of his death, the supplies from Europe had entirely ceased, or been drawn into another channel, while the funds which he left in Zinder, as a reserve, had totally disappeared. Being thus without the means either of paying his bills or of continuing his journey home, it was with difficulty that he procured money at the rate of 100 per cent., sufficient to carry him forward. He had not proceeded far, however, when it was his good fortune to meet with Dr. Vogel; and any one who has happened to meet a friend from home upon the pleasant waters of a Swiss lake, or in the pleasant parlour of a Swiss inn, or on the Corso at Rome, or the glacis of Ehrenbreitstein, may realise in a faint degree the delight which must have been felt by Dr. Barth upon meeting his friend in the desert, so far outside the range of civilization, or the sound of a European voice. We give the interview as told by Dr. Barth.

"Having rejoined my camels, I set out, without delay, through the forest, taking the lead with my head servant; but I had scarcely proceeded three miles when I saw advancing towards me a person of strange aspect,—a young man of very fair complexion, dressed in a robe like the one I wore myself, and with a white turban wound thickly round his head. He was accompanied by two or three blacks, likewise on horseback. One of them I recognized as my servant Madi, whom, on setting out from Kúkawa, I had left in the house as a guardian. As soon as he saw me, he told the young man that I was 'Abd el Kerim, in consequence of which, Mr. Vogel (for he it was) rushed forward, and taken by surprise as both of us were, we gave each other a hearty reception from horseback. As for myself, I had not had the remotest idea of meeting him; and he, on his part, had only a short time before received the intelligence of my safe return from the west. Not having the slightest notion that I was alive, and judging from its Arab address that the letter which I forwarded to him from Kanó was a letter from some Arab, he had put it by without opening it, waiting till he might meet with a person who should be able to read it.

"In the midst of this inhospitable forest, we dismounted and sat down together on the ground; and my camels having arrived, I took

out my small bag of provisions, and had some coffee boiled, so that we were quite at home. It was with great amazement that I heard from my young friend that there were no supplies in Kúkawa; that what he had brought with him had been spent; and that the usurper 'Abd e' Rahmán had treated him very badly, having even taken possession of the property which I had left in Zinder. He moreover informed me that he himself was on his way to that place, in order to see whether fresh supplies had not arrived, being also anxious to determine the position of that important town by an astronomical observation, and thus to give a firmer basis to my own labours. But the news of the want of pecuniary supplies did not cause me so much surprise as the report which I received from him, that he did not possess a single bottle of wine. For having now been for more than three years without a drop of any stimulant except coffee, and having suffered severely from frequent attacks of fever and dysentery, I had an insuperable longing for the juice of the grape, of which former experience had taught me the benefit. On my former journey through Asia Minor, I had contracted a serious fever in the swamps of Lycia, and quickly regained my strength by the use of good French wine. I could not help reproaching my friend for having too hastily believed the news of my death before he had made all possible enquiries; but as he was a new comer into this country, and did not possess a knowledge of the language, I could easily perceive that he had no means of ascertaining the truth or falsehood of those reports.

"I also learned from him, that there were despatches for me at Kúkawa, informing me of the expedition sent up the river Tsadda, or B'nuwé. With regard to his own proceedings, he informed me that his sole object in going to Mándara, had been to join that expedition, having been misled by the opinion of my friends in Europe, who thought that I had gone to A'damáwa by way of Mándára, and that when once in Morá he had become aware of the mistake he had committed when too late, and had endeavoured in vain to retrieve his error by going from that place to Ujé, from whence the overthrow of the usurper 'Abd e' Rahman, and the return of his brother 'Omár to power, had obliged him to return to Kúkawa."—vol. v. pp. 381-3.

Having spent some time in Kúkawa with Vogel, Dr. Barth set out finally for home, and reached London on the 6th September 1855, after a sojourn in Africa of five years. There can be no doubt that Dr. Barth accomplished a long and arduous journey upon very slender means, and that he deserves the utmost credit for the ingenuity, courage, and perseverance with which he fulfilled his task. If his discoveries have not been so very striking, or perhaps quite so important as he seems to consider them, it is in truth

because a good deal of the field which he explored had been travelled if not opened up by others, and because in what might be regarded as actually unexplored there was little to discover. The regions which he has visited are neither rich nor populous. Their unhealthiness is proverbial. They have no production to tempt commercial enterprise to any thing great or hazardous. With no discovered or suspected gold field like those of Australia or California, without the natural produce or the beautiful manufactures of China or Japan, there is hardly an article of commerce, unless the human article, for which even a Dutch merchant would barter his soul. There is no political advantage to be gained by invasion, and the climate repels the thought of colonization. Some not inconsiderable trade in European manufactured goods might possibly spring up under advantageous circumstances; and the soil, if carefully cultivated, might of course and probably would produce every fruit and spice of a tropical climate. It is very questionable, however, whether commerce alone can civilize a barbarous nation. In speaking of commerce, we wish to be understood of that commerce which a people advanced in civilization seeks with a people very far below itself. It is quite different when the less civilized country originates the commerce. In the latter case the attempt to enter into commerce with a superior people argues a degree of intelligence and enterprise which must have taken the country in which it is found a good way along the road of civilization. Thus in the middle ages, when under the influence of the Church, the barbarous conquerors of the Roman Empire were gradually being moulded into settled states and forms of government; they were at first extremely deficient in the ornamental arts, and generally in all the refinements which embellish life and form so large a portion of modern civilization. The pilgrimages, however, of that period, and the crusades, having brought those rude, but fresh, vigorous, and intelligent communities into contact with even the corrupt and decaying civilization of Constantinople; they acquired much of the grace and refinement which in Constantinople had long outlived virtue, religion and honour. The commercial enterprise of the Venetians had a similar result, as, intercourse with the Greek Empire and with the East in general was at one period confined almost exclusively to them; and accordingly we find that the Byzantine school of art has left its impress upon almost

all the monuments of Venice. In like manner it was not until Russia herself courted European commerce that she acquired even the superficial civilization which she has attained; for so long as European merchants made difficult and toilsome journeys to Russia, although there existed a well established commerce between various countries and that Empire, Russia continued barbarous, and it was not until she moved abroad, and saw with her own eyes what was going forward in other parts of the world, that she began to learn. At the present moment, the produce and manufactures of the Turkish empire are eagerly sought for by foreign nations; but as Turkey is satisfied with sitting, and smoking, and selling in her bazaar, she certainly is not mended by her intercourse with Europe. The commerce of the United States with the Indian tribes upon their borders, so far from civilizing, has no other effect than first to brutalize and eventually to destroy the unfortunate race with which it has been established; and we have no reason to expect a different result from European commerce with Negroland. An active or at all events a populous community in the enjoyment of peace or comparative peace, is an essential condition to any profitable commerce upon a large scale between Europe and Negroland. The relations of the country with Europe, or with comparatively advanced communities like those of Turkey, Egypt and Morocco, are not by any means likely to effect such a change. It is far from improbable that a few years may witness the dismemberment and appropriation of those Empires by the European powers; and if so the central states of Africa cannot fail to be thrown into greater isolation than that in which they stand at present. The discoveries of African explorers may lead, as they have already done, to the solution of great scientific questions, whether in geography, ethnology, or language; but it seems very questionable whether they are likely to have any more practical result. Under any circumstances, however, the intrepid explorers who have faced and overcome so many difficulties are entitled to thanks and rewards; and the path they have mapped, will probably be trodden by men of different and far loftier enterprise. Meanwhile "*Est quoddam prodire tenus,*" and should our speculations as to the immediate results of African explorations prove incorrect, so much the better. This much at least is certain; Dr. Livingstone and Dr. Barth

have shown themselves to be men of intelligence, courage, good faith and zeal. To Dr. Livingstone perhaps we should give the praise of genius as well ; and to both, every lover of science will wish with us, a tranquil, affluent, and honoured old age, in reward of so many of their best years so laboriously spent in her service.

ART. VIII.—1. *Second Report from his Majesty's Commissioners on Criminal Law.* Dated, 9 June 1836.

2. *Report on Criminal Procedure*, to the Lord Chancellor. By Charles Sprengell Greaves, Esq., one of Her Majesty's Counsel. Presented to Parliament by Her Majesty's command. Ordered by the House of Commons to be printed, 29 July, 1856.
3. *Report from the Select Committee of the House of Lords*, to whom was referred the Bill intituled, "An Act for the Amendment of the Criminal Law." Together with Minutes of Evidence, and certain communications received from several of the learned Judges in reference thereto. Session, 1847-8. Ordered by the House of Commons to be printed, 18 July, 1848.
4. *A Bill to Provide an Appeal in Criminal Cases.* (Prepared and brought in by Mr. Fitzroy Kelly and Mr. Godson.) Ordered by the House of Commons to be printed, 11 June, 1844.
5. *A Bill to Establish a Power of Appeal in Criminal Cases.* (Prepared and brought in by Mr. Ewart, Mr. Aglionby, and Lord Nugent.) Ordered by the House of Commons to be printed, 2 February, 1848.
6. *A Bill, to secure an Appeal in Criminal Cases,* (Prepared and brought in by Mr. Butt and Mr. Ewart,) ordered to be printed, 1853.
7. *A Bill to Secure the Right of New Trial in Criminal Cases.* (Prepared and brought in by Mr. Mc. Mahon and Mr. Butt.) Ordered by the House of Commons to be printed, 15 June, 1858.
8. *A Treatise on the Criminal Law of the United States.* Comprising a digest of the Penal Statutes of the General Government, and of Massachusetts, New York, Pennsylvania and Virginia ; with the Decisions on Cases arising upon those Statutes, and a general view of the Criminal Jurisprudence of the Common and Civil

Law. By Francis Wharton, Author of "Precedents of Indictments and Pleas." Third edition. Philadelphia: Kay and Brother, Law Booksellers and Publishers, 1855.

9. *New Trials in Criminal Cases*: with a few remarks on the Court of Criminal Appeal. By William Ribton, A.B., (formerly Scholar of Trinity College, Dublin,) of Lincoln's Inn, Barrister at Law. London: Butterworths, 7, Fleet Street, Law Booksellers and Publishers. 1853.

WHEN Sir Samuel Romilly began to reform the Criminal Law of England he denounced it as worthy only of a nation of cannibals. That it deserved this denunciation cannot be doubted by any one, who remembers or learns that at that time the barbarous tendencies of the two preceding centuries in reference to the punishment of crime, had reached the culminating point, and that the offences that were then not punished with death were the exception. Since that time the criminal law has undergone a vast amendment, capital punishments have become the exception and are inflicted only for the gravest crimes, and prisoners charged with offences are allowed ample means of defence. Still one glaring remnant of the modern abuses remains, namely, that if a man is wrongfully convicted through the fault of the presiding judge in mistaking the law, or of the jury in mistaking the bearing of the evidence, or from any other cause, he has no right of redress whatever. It is difficult to believe that the law of England is in this discreditable state. If it were the law of Naples, or of any other benighted Popish country, an enlightened Englishman would not wonder, and might probably feel justified in suspending diplomatic relations, till such a specimen of brutal violation of the principles of natural justice were abolished; but that it should exist in his own admired focus of light, liberty and civilization, is so incredible that we prefer stating the fact in the very words of the lawyers and judges of the land, rather than on our own authority, or even in a paraphrase of their language.

Before the Committee of the House of Lords in 1848, Sir F. Kelly, the present Attorney General, said: "I think it a very intolerable evil, and I wonder that it should have existed so long in this country,—that whereas there may be an appeal from Court to Court, even to the House of Lords, in every civil case where twenty pounds, or if the

action be brought in one of the superior Courts, twenty shillings only are at stake, and that, too, at the mere will of either the one party or the other, there should be no appeal at all in criminal cases, whether of the gravest or of the lightest character." (Ques. 161.) And Lord Campbell thus stated it in putting a question on it to Mr. Baron Parke,—now Lord Wensleydale :

"In a civil case, a party against whom a judgment is pronounced, however trifling the amount, has a right to an appeal in the shape of a writ of error, motion for a new trial, or an absolute right to a Bill of exceptions: does it not appear hard, and certainly inconsistent, that in a criminal case, where his liberty, his character, and his life are at issue, he should be deprived of that right: and more particularly is it not so, where the case may be tried before a tribunal composed of persons not educated in a knowledge of the law?" (Ques. 32.)

Mr. Baron Parke admitted the anomaly, but excused it on the grounds of the importance of speedy decisions, expense, no or few mistakes, &c. The unjust and anomalous state of the law has been long felt, and many attempts have been made within the last twenty years to redress it. The first Bill at the head of our list was introduced by the present Attorney General, and the late Godson in 1844. It proposed to enable a party convicted to apply to any one of the superior Courts of law for a new trial, either on the ground of misdirection on the part of the judge, or of a mistake on the part of the jury, and also gave a party on his trial a right to tender a Bill of exceptions, or to demand a copy of the indictment. This Bill was read a first time and then dropped.

Mr. Ewart's Bill in 1848, was substantially the same as the above, only that it omitted the provisions as to Bills of exceptions, and like it, was dropped before it reached a second reading. The same fate befell Mr. Butt's Bill in 1853, which was in substance the same as Mr. Ewart's, except that it went more into details, and particularly provided for the assembling of a Court after the summer assizes for disposing of questions arising thereat.

Mr. Mc. Mahon's Bill was more fortunate than any of its predecessors, as after a long and spirited debate it was read a second time by a majority of 54, the ayes being 145, and the Noes 91. The discussion was remarkable on one circumstance—that the opponents of the measure

were the whig ex-government party, and that all the conservatives supported it with the exception of one Tory Chairman of Quarter Sessions. This Bill differs from its predecessors mainly in this one respect, that it purports merely to remove a doubt as to the power of the Court of Queen's Bench to remove indictments by certiorari after trial for the purpose of granting a new trial. As the law now stands, that Court is in the habit of removing by certiorari indictments from subordinate Courts before trial, and after they are so removed, if the trial should prove unsatisfactory, a new trial may be granted in the same manner as in civil cases. But if the certiorari is not applied for till after the trial in the Court below, no application can be entertained to review the proceedings. This is the practice as settled by Lord Ellenborough and another justice of the Queen's Bench about 50 years ago, though at the period when new trials in civil cases was first introduced, that Court assumed and exercised the power of removing indictments after trial in an inferior Court and granting a new trial. This old and rational practice the present Bill seeks to revive, and thereby to remove the anomaly and injustice of the existing system. As this is the main feature of the Bill, we append it entire, so that the reader may see and judge for himself how far this is a feasible mode of meeting the difficulty.

"Whereas it is expedient to enlarge the Power of the Court of Queen's Bench to review the Proceedings of subordinate Courts of Criminal Jurisdiction : And whereas it has been doubted whether it is competent for that Court to remove any Indictment by Writ of Certiorari after trial from any such subordinate Court, for the purpose of reviewing the proceedings at the trial, and granting a new trial ; and it is expedient to remove such doubts : Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

"I. It shall be competent for the said Court to remove by Writ of Certiorari any Indictment, after trial as well as before trial, for the purpose aforesaid ; and when any Indictment, with the proceedings thereon, shall be removed as aforesaid, it shall be competent for the said Court to review the proceedings at the trial, and to order a new trial, and otherwise deal with the said Indictment, in all respects and to all intents and purposes, in the same manner as if it had been removed before trial."

The other clauses are substantially mere matters of detail for working out this main idea.

As to the necessity of the main provision of the Bill for securing a right of appeal in criminal cases, there is a remarkable concurrence of authority. Sir F. Kelly, the present Attorney General, in his evidence before the Committee of the House of Lords, in 1848, says :—

"I have myself, within my own experience, known some such fearful instances of injustice in the refusal by Judges of great eminence and learning, and of great humanity, to reserve points which have afterwards been determined to be fatal to the conviction which has taken place, that I think the people of this country are entitled to demand that an appeal should be matter of right, and not matter of discretion with the Judge. I have stated in the House of Commons, a case—it is but one of many—the case of Russell, the Huntingdon gaoler, who was capitally indicted for causing the death of a woman by administering medicine to procure abortion. Upon the defence an objection was made which the Judge peremptorily refused to reserve. The prisoner was convicted and about to be executed. The Judge rejected my repeated and earnest solicitations to refer the case to the Judges. At length, by a degree of impotency which, but that it was a matter of life and death, would have been quite unbecoming, he was induced to write to Lord Tenderden, and the Lord Chancellor (Lyndhurst) for their opinion whether the point should be reserved or not. Upon their answer it was reserved, and when the case came before the twelve Judges, they, without hesitation, were unanimously of opinion (the learned Judge himself concurring) that the point taken was fatal to the conviction. I am told that the prisoner is living a reformed man, and a very useful member of society, who, but for the struggle with a Judge which can scarcely be expected from counsel at the bar, would have been put to death within four days of his conviction. Again, in the later case which occurred at Exeter, of the six or seven Brazilian prisoners, the learned Judge who tried those prisoners refused to reserve the point. They would have been executed, but happily he was induced to consult the other Judge of Assize, who thought there was doubt enough for the reserving of the point. It was reserved, and the conviction set aside. There are many other cases. If there are these instances in capital cases where, upon the slightest doubt, the point ought to be reserved, how numerous must be the cases in which Judges, however eminent and learned, and humane, yet being peremptory in their opinions, refuse to reserve the point, refuse to grant the appeal, where, if the appeal was granted, it would be found that

they were clearly wrong, and that the parties had been illegally convicted."*

Lord Denman, before the same Committee, pointedly said, "Supposing the Judge has made a mistake, it is against all principle to leave it in his breast whether it shall be revised or not."† It is plain that if there are no means of appeal from the erroneous ruling of a Judge at a trial, the lives, liberties, and fortunes, of persons prosecuted are dependent on his mere discretion.

The Committee appear to have understood this well, but they were curious to ascertain the probable *quantum* of injustice thus perpetrated, and with that view put to and received from, Sir, F. Kelly, the following question and answer.

"Have you any means of ascertaining, or have you formed any opinion of what proportion, in a thousand cases of felony, there may be of erroneous verdicts?—I have formed an opinion, founded not upon conjecture, but upon actual experience, as far as the truth could be ascertained, with respect to one class of criminal cases. It would, of course, be mere speculation to judge from one casual observation; but with a view to my own Bill of 1844, I moved for a return of all Cases of Misdemeanour (in which alone, at present, there is by law, a regular criminal appeal) tried in the Court of King's Bench, or at the Assizes, upon Certiorari, and in which motions for a new trial, or otherwise to set aside the verdict, were made, together with the result of those motions. That Return was made and is printed. I was not aware that this question would be put to me, and I can therefore speak of it only from recollection; access may be had to it for the information of the Committee. In the meantime I may state that the general result, so far as my memory serves me, is this, that in about one-third of the cases in which motions were made, the verdicts were set aside, and either by verdict of acquittal or arrest of judgment the accused was ultimately delivered. In another third, the verdict was in some way altered, but it did not appear what was the ultimate result. The remaining third were cases in which the verdict was affirmed. To the best of my recollection, confirmed by my own experience, for many years something approaching to one-half of those cases in which the verdict was set aside, and ultimately the party accused was delivered, were cases in which the Jury had come to what the Court afterwards deemed a wrong conclusion in point of fact.—That would be one-sixth part of the whole?—Something approaching one-

* Report Ques. 215-6.

† Ques. 294.

sixth part of the whole where the verdict was set aside as being against evidence,"*

Sir Frederick Pollock, who was Attorney General at the same time, on being examined before the Criminal Law Commissioners in 1835, gave very decided evidence to the same effect. After mentioning the fact that Mr. Wilde, who was one of the sheriffs of London in the year 1827, saved from execution five or seven men, during seven months that he was in office, he says :

"I had frequent communications with him upon those cases while they proceeded. My impression is, that several out of those cases were cases of perfect and entire innocence, and that the others were cases of innocence with reference to the capital part of the charge.It is impossible to speak in too high terms of the zeal, humanity, unsparing labour and expense, which Mr. Wilde bestowed upon those occasions ; but the result satisfied me that the parties were, in several instances, guiltless of any crimes; and all the cases were such as did not justify capital punishment; and Sir Robert Peel, after much labour in the investigation, was of the same opinion. It has always, since this occurred, been impressed upon my mind as a very appalling fact, that in one year so many persons were saved from public execution, for which I believe most, if not all of them, had been actually ordered ; and though I believe undoubtedly the sheriffs of London are in general conspicuous for an active, humane, and correct discharge of their duty, they have not all, and cannot have, the means of bringing to the investigation of such subjects, the same facility and the same unsparing exertions that Mr. Wilde afforded while he was sheriff ; and I am persuaded, and have been ever since I knew those facts, that unless the practical difficulties are insuperable, which I do not apprehend would be the case, some legal constitutional mode ought to be adopted by which errors and mistakes, from whatever source arising, should be corrected in criminal as well as they may now be, in civil cases..... I am aware that if a power of a new trial were afforded in criminal cases, more time might occasionally be consumed in such application, than frequently is devoted to the original inquiry ; but I think it is impossible to be aware of the notorious fact, that in cases of misdemeanour, the Court of King's Bench has felt itself compelled to grant a new trial in many cases, which have been followed up by a satisfactory acquittal, without feeling that in cases of felony, some legal provision should be made for a similar failure of justice ; and ever since my attention has been drawn to the cases which occurred while Mr. Wilde was

* Ques. 163-7.

sheriff, I have been very anxious to call the attention of the government to the necessity of administering some practical remedy to the acknowledged evils of the present system; and undoubtedly had not this commission been now sitting, which is so well calculated to present the subject to the attention of the Legislature, and to devise deliberately some mode of amending the Criminal Law on this point, I should have felt it my duty as Attorney General, officially to bring the matter under the notice of the government, and have endeavoured to procure some legal and satisfactory mode of obtaining a reconsideration of a verdict in a criminal case, without throwing all the labour and responsibility on the Secretary of State, who is called upon to interpose the mercy of the Crown in cases where the appeal ought rather to be to the justice of a legal tribunal....

"One obvious course would be to adopt, in all criminal cases, the practice which is now open to the convicted party in case of misdemeanour before the superior courts, namely, a motion for a new trial, founded upon the verdict being either against evidence or against the truth of the case, as made manifest by affidavits to be submitted to the consideration of the Court, subject of course to such rules with respect to the reception of affidavits, as the experience of the Courts in other cases have established. These remarks equally apply to inferior courts, who are incapable of granting a new trial in misdemeanours as well as felonies. During the last session I moved for a return of the result of all prosecutions for perjury and conspiracy in the Court of King's Bench since the year 1800, together with the result of the prosecutions as to new trials, and the cases in which parties have been called up for judgment. The Session ended before that return was complete, but I allude to it now for two reasons. I have very little doubt it would prove, by the number of instances in which new trials have been granted, and the defendants have been afterwards acquitted, or the prosecutors have declined to go on with the prosecution, that the motion for a new trial is essential to the administration of justice in criminal as well as civil matters.....

"The subject is one of great difficulty on several accounts, and it may not be easy to discover the best remedy. I have often heard it said, even by Judges, that without the power of granting a new trial a jury would be a very imperfect tribunal in civil cases; and I think such must be the opinion of every one competent to form one. The same mischief obtains in criminal, against which a new trial is the only protection, as in civil cases, and the only remedy is an application for a pardon, where sometimes there ought to be an appeal for justice. If no better mode can be adopted I think there ought to be allowed a motion for a new trial." (Second Report. Appendix, pp. 79-80.)

In the same volume will be found a case mentioned by

Alderman Harmer as to the necessity of an appeal for a new trial. He said:—

“I know of one case that strikes me at the moment, in which a gentleman had been found guilty of perjury, by the most foul combination and perjury on the part of his prosecutors; he happened to have the means, with the assistance of his friends, of going to a large expense to make inquiries, whereby he obtained demonstration of the conspiracy entered into by the parties who had prosecuted him, and a new trial was obtained; the result was his acquittal and the conviction of some of the witnesses against him.” (lb. p. 88.)

The Criminal Law Commissioners, after taking the evidence of all the competent men of the day on the subject, and considering it several years, at last, in 1845, reported in the strongest terms in favour of the right of appeal. They say:—

“The question whether a motion for a new trial ought to be entertained is one of high importance to the due administration of criminal justice. It involves two main points,—1st. Whether such a course is material for the purpose of distinguishing between guilt and innocence, and if so, whether any reason warrants the rejection of such a test. If any doubt should exist on the first question, it is one which would most properly be decided by experience. On this point, however, there is no room for doubt; actual experience, not only in respect of civil, but even of criminal proceedings, where the test is allowed to operate, proves its importance. In truth, so long as human judgment is fallible, it must be necessary to use means for the correction of error and mistake. It may be said that this cannot be done without delay and expense. It cannot, however, be doubted that deliberate justice, although necessarily attended with more or less of delay, is preferable to the injustice incident to improvident haste, and necessarily resulting from the neglect of reasonable means for the exclusion of error. The expenditure of labour and cost in criminal investigations can scarcely be placed in competition with the evils which inevitably flow from want of due caution. The question resolves itself mainly into this, whether the cost of correction, can fairly be placed in competition with the evils likely to result from the want of correction. We apprehend that the right even of the legislature to inflict capital punishment rests on grounds of strict and cogent necessity, and to go beyond that limit involves a transgression *in foro cæli*, which is criminal in the legislator himself. The Divine prohibition plainly extends to every unwarranted destruction of human life—there is no authority to control or limit it, beyond that which may be inferred from strict necessity, no hypothesis which can be framed as to the origin of civil society, and the duty of obedience to its laws can warrant the

conclusion that the legislator has either expressly or impliedly the power to direct capital punishment on any other ground.

"It appears to us that the law of England is at present very defective as regards the means afforded for the correction of errors in criminal proceedings, and especially such as are frequently, and indeed are almost necessarily incident to the trial by jury. In this respect, indeed, the law is inconsistent in entertaining the motion for a new trial in some instances, and denying it in others without any adequate reason for the distinction, and is thus faulty either in denying a new trial where it would be consistent with justice to grant one, or in granting a new trial where it ought properly to be withheld. The instances in which a new trial is grantable are confined to those where the prosecution is for a misdemeanour only, and is pending in the Court of Queen's Bench. We cannot but observe that the distinction thus made in the first instance between indictments for felony, and those for misdemeanour pending in the Court of Queen's Bench, is not warranted by any intelligible principle; it would indeed seem to be more reasonable that as the penalties for felony are usually more severe than those which attach to a mere misdemeanour, larger means for the correction of error should be afforded in the former case than in the latter. The distinction between cases of misdemeanour pending in the Court of Queen's Bench, and those pending in other criminal courts, seems also to be destitute of any sound principle. It may perhaps, as to prosecutions removed from inferior courts into the Court of Queen's Bench, be said, that it is to be presumed that they are of more difficult investigation, and therefore that more ample means ought to be allowed for accurate inquiry, and for the correction of errors. This may occasionally be so, but the presumption cannot possibly warrant so wide a distinction as that which is made in practice; the difficulties which give rise to the application for a new trial are frequently of a nature not to be foreseen, and often depend on the conduct of witnesses, or of the jury, or the direction of the judge, or presiding magistrate, and not at all on the nature of the cause itself. Besides, as a defendant in a cause depending in the higher court has always the benefit of being tried before one of the Judges of the superior courts, the proceedings are less likely to stand in need of correction than they are when the trial is had before an ordinary magistrate.

"A brief reference to the ancient law may not be unimportant to show that the present distinction is not warranted by any principle recognized by that Law, but is in truth the casual result of change in circumstances. Formerly, as appears from the ancient text-writers and authorities, jurors were not persons who, like those of the present day, decided as judges of the facts upon the testimony of others, they were themselves the very eye and ear witnesses of the facts, or were persons likely, from proximity to the place in question, to possess the best means of judging accurately, and they determined according to their actual or presumed knowledge. There

could, therefore, be no new trial on the ground that the testimony on which the verdict was founded was false, or insufficient to warrant the verdict. In doubtful cases recourse was had to the trial by ordeal, or to a process of compurgation, and it was not until after the abandonment of the former superstitious modes of trial that juries began to exercise the important duty of deciding upon evidence. The great intrinsic defects incident to such a tribunal, and the inconvenience and injustice experienced for want of due means of correction, at last occasioned a most important change in the law as regarded civil causes, in admitting motions for new trials; a great improvement, but which was not extended to criminal proceedings, beyond the narrow limits to which we have already alluded. It is notorious that at the present day the hearing of motions for new trials in civil causes is one of the most important and frequent occupations of the Common Law Courts; and it cannot be doubted that, without the means of correcting errors and mistakes thus afforded, the trial by jury would be regarded as unsatisfactory and unsafe. A new trial in civil proceedings is now allowed on the plain and simple ground that the practice is essential to justice, for the purpose of correcting errors and miscarriages in its administration, which cannot be excluded, but which require remedy. These however are not peculiar to civil proceedings.....

"Looking, therefore, to the nature of the inquiry, it is quite as likely that error or mistake should occur in the investigation of a criminal charge as on that of a mere civil claim. As to the consequence of error in the one case and the other, it cannot be denied that a failure of justice in a criminal case, where it may concern not only property, liberty, but even life itself, is of much more serious importance than in civil cases, where a mere question of property is concerned. These positions and their consequences are too obvious to be dwelt upon, yet admitting them to be true, the conclusion must necessarily be that the precautions necessary to exclude error in the one case are *a fortiori* necessary in the other. If with a view to exclude the possibility of injustice, a man is to be allowed the benefit of a new trial where property to the amount of £20 is at stake, it is hard to deny him protection to the same extent where his life is in jeopardy. If the question whether a pauper is settled in parish A. or parish B. is not to be determined without a power of appeal to the Court of Queen's Bench, it is harsh to condemn him to be transported for life to a penal settlement without power of appeal."*

Of the main substitute for an appeal to a court of law, the application to the Home Office in England, or the Castle in this country, the commissioners strongly disap-

* Eighth Report, pp. 18-20.

prove, as "not unfrequently, however, unjustly the subject of popular jealousy or suspicion."* In the Report on Criminal Procedure, presented by Mr. Greaves to the late Lord Chancellor, the defects of this system are fully and freely exposed. After praising the zeal of all the officers engaged in investigating the facts on such an application for redress, he says:—

"The system itself, however, is such as cannot fail to lead to mischievous results, even though it be administered in the best manner, and with the most laudable motives. In the first place, the investigation is a private one, and consequently facts may there obtain credence, which, if disclosed, might be contradicted or explained. Secondly, it is very doubtful whether there be any jurisdiction to administer an oath on making an affidavit to be submitted to the Home Office. This, in addition to the secret mode of proceeding no doubt leads to false statements being made, and that too with perfect impunity. Thirdly, no notice of the application, it is believed, is ever given to the prosecutor. It is true that the usual course is to submit to the Judge, or other person who tried the prisoner, any papers which are sent to the Home Office, and he reports to the Home Office the evidence given on the trial, with such accompanying observations as he may think fit to make upon the case. This proceeding may in some instances prevent improper statements from obtaining credence. It is obvious, however, that the person who tries the case never can possess sufficient means of information to enable him to meet statements of facts which did not appear in evidence on the trial, or occur before him; and it is plain that he, as well as the Home Office, is liable to be misled and imposed upon by false statements as to such facts. It is manifest, therefore, that some means should be taken in order to ascertain the truth of any facts stated to the Home Office which did not appear on the trial. The present practice also leads to facts being submitted to the Home Office, which might have been given in evidence on the trial, and then publicly enquired into. Thus some instances have occurred where persons who have been in court during a trial have not ventured to give any evidence, and yet have afterwards made affidavits of facts which ought to have been properly enquired into on the trial in public court; and there can be little doubt that many a statement is sent to the Home Office, that either would never have been made in open court, or if made, would be proved to be erroneous. It is notorious, also, that after a conviction, especially in cases where an execution is to take place, the greatest urgency is used, particularly if the prisoner has rich and powerful friends, by any means whatever, to obtain a pardon, or

* 8 Report, p. 21.

mitigation of the punishment. The truth is that the law, allowing no direct means of obtaining a new trial, or revision of the sentence, an application is made to the Home Office in every case where any materials can be obtained for that purpose, and if sufficient materials can be produced, to throw a reasonable doubt upon the correctness of the verdict, the Home Office is placed in a most unfortunate position, as there is no power to order a new trial or fresh investigation to take place. Three courses alone are open: to let the sentence be executed, to grant a pardon, or to mitigate the sentence.....It is to be remembered that the very cases in which the Home Office is most likely to be misled, are ever the most important of all, and therefore it is of the last importance that they should be properly determined, and not only so, but in such a manner that the public may be convinced that they have been so determined. Nor is it to be forgotten that it is at least a very doubtful question whether it be expedient that the solemn verdict of a jury, given after an open trial, should in any case be treated as a nullity, unless the proceedings are such as to satisfy all reasonable persons that such verdict was erroneous." (pp. 51-2.)

It is clear that the weight of authority is against the present system. Still it is not without its apologists. The Committee of the House of Lords, in 1848, presided over by Lord Campbell, found all the Common Law Judges, with the exception of Mr. Justice Coleridge, in favour of things as they were, or were supposed to be, and so the Bill, with the amendments which they suggested, merely gave the judge, who presides at a trial, the privilege of reserving any point of law which, in his discretion, he may think worthy of further discussion from the Court, for the consideration of Crown Cases Reserved. At this we do not wonder. The judges have always been the unfaltering opponents of reform; and had the country been guided by their views, we should be now hanging undefended pickpockets without allowing a witness to be sworn, or a counsel to urge an argument in their behalf. The off-hand way in which some of the judges deal with the question is quite amusing.—“My impression and belief (said one) most undoubtedly is, that there are very rare occasions in which there is a wrong conviction. There have been one or two instances in which a pardon was applied for and obtained, as there had been a miscarriage at the trial, but I believe the instances are exceedingly few indeed in which there is any miscarriage.”* Again,

* Evidence of Lord Brougham, p. 49, ques. 318.

see how cavalierly they (examiner and witnesses) ignored the course of proceeding in France and America.

"Are you aware of any country where there is a general power of appeal given in matters of fact?"

"I am not aware of any such. I do not believe there is.

"In case of appeal in the Court of Cassation, in France, it is only upon matters of procedure and law?"

"I believe that it is so."*

Surely the noble lord and the learned judge might have condescended to look across to America, from which we are of late in the habit of importing so much law, before they committed themselves to these strange opinions. There the right of appeal prevails in every one (we believe) of the States. This question of the power of a court of criminal jurisdiction to grant a new trial after a conviction has been considered by the American Courts, ever since the Revolution; and we learn from Mr. Wharton that "the uniform and unquestioned practice," with the exception of a few cases, in which Mr. Justice Story and another judge attempted to disturb it, "has been to extend to criminal cases, so far as the revision of verdicts is concerned, the same principles which have been established in civil actions;"† and that though the judges there hold that by the principles of the Common Law, every Court of Oyer and Terminer, and Gaol Delivery, can grant a new trial, yet, to prevent all doubt, in most of the States provision is made by statute for the purpose.‡ So early as 1830 it was held in New York that a Court of Oyer and Terminer, and Gaol Delivery, was not an inferior Court, and was therefore invested at Common Law with full power to grant a new trial on the merits. The language of Mr. Justice Marcy in pronouncing this judgment is well worthy of consideration.

"It is a settled rule of law in England never to grant a new trial in cases of treason and felony. If by the error of the jury or the judge an innocent man is condemned, he is sent to the mercy of the Crown for redress. This mercy is but a miserable relief for the injury he has suffered. It may save his property from forfeiture, and himself from the ignominy of the gallows, but the foul

* Evidence of the late Mr. Baron Alderson, ques. 42-3.

† p. 983.

‡ p. 1044.

blot remains on his reputation. Time does not obliterate it, the grave does not cover it ; it is an inheritable curse that must, and will, be the portion of his posterity. It is mockery to tell a man who has been condemned that his redress is in a pardon. He feels, and ever will feel, that he has received an incurable wound from that sword which he, in common with his fellow-citizens, had put into the hands of the magistracy for their protection. The policy in respect to new trials in criminal cases which the English courts have pursued, has never been countenanced by our courts, and would never be tolerated by our people.”*

In a case in Alabama, in 1844, after a conviction for murder, the opinion of Mr. Justice Story, as well as the English practice, was pressed, we are told, with great energy in opposition to a motion for a new trial, and the subject was carefully considered by the Court. “It is certain,” it was said, after a review of the reported cases, “that the English Courts in modern times do not grant new trials in cases of felony, but accomplish the same object by a recommendation to the Crown for a pardon, which is always granted. It does not, however, follow that it is against the principles of the ancient Common Law that the Court should have power to grant a new trial where a doubt exists as to the correctness of the verdict. It would seem to be more consistent with the spirit of humanity which pervades it, that a new trial should be granted by the Court, than that the prisoner should depend on the mercy of the executive.”†

Mr. Wharton himself, whose opinions are entitled to the greatest weight, says, after comparing all the authorities, English and American:

“If there is any case on which, on the principles of the Common Law the supervisory power of the Courts should be most jealously exercised, it is that of a capital conviction to which the application of such a check is so important to the liberties of the citizen. To follow the language of Chief Justice Tindal, not the less applicable here, because, what in England is reserved to the mercy of the Crown is, in this country, determined by the discretion of the Court ; ‘I cannot conceive how the benefit of trial by jury can be in any way impaired by a cautious and prudent application of the

* *The People v. Stone*. 5, Wendell's Reports, 42.

† *State v. Slack*, 6, Alabama, Rep. 676, cited in Wharton, 992.

correctives which is now applied for ; on the contrary, I think that without some power of this nature, residing in the breast of the Court, the trial by jury would in particular cases be productive of injustice, and the institution itself would suffer in the opinion of the public.' *Best, C. J. in speaking of new trials, observed: 'It is one of the most beautiful parts of our constitution that, when anything occurs in one tribunal, which appears to be wrong, it may afterwards be corrected by another, so that the interests of a party cannot be prejudiced by a hasty decision ; otherwise the trial by jury, instead of being a blessing would become a source of evil.'**

So completely is this discretionary power of the Courts to grant a new trial established there, that Mr. Wharton states and treats in the following order the cases in which it may be exercised.

- " 1st. Misdirection by the Court trying the case.
- " 2nd. Mistakes in the admission or rejection of evidence.
- " 3rd. Verdict against law.
- " 4th. ——— evidence.
- " 5th. Irregularity in conduct of jury.
- " 6th. Misconduct by the prevailing party.
- " 7th. After-discovered evidence.
- " 8th. Acquittal of co-defendant alleged to be material witness for defendant convicted ; and herein of the misjoinder of defendants.
- " 9th. Absence, want of notice, mistakes, and surprise.
- " 10th. Irregularity in empanelling the jury."

In France, if a prisoner is convicted by only a majority of the jury, the Court can at once direct a new trial ; or if the majority of the judges added to the minority of the jury, exceed in number the majority of the jury and the minority of the judges, the majority of the judges may direct an acquittal.† Moreover, a person convicted has an absolute right to appeal for any mistake in law in the course of the trial, so that he is not at the absolute mercy of his judges, as in England, and above all, in Ireland.

The weight of authority, precedent, common sense, and justice, is so clearly in favour of this provision of Mr. M'Mahon's Bill, that we hope to see it soon amongst the statutes of the realm. No doubt some safeguards are necessary to guard against needless delay. For instance, as the Bill stands, the fate of a person convicted at the

* Wharton, p. 993.

† Code D'Instruction Criminelle, Liv. ii. Tit. ii. par. 352—8.

Summer Sessions or Assizes could not be finally known till Michaelmas Term. This could be met by a provision that the Court of Queen's Bench should hold an adjourned sitting early in August, to hear applications for new trials, in all cases arising since the close of Trinity Term, and thus all objections to this excellent measure would be obviated.

ART. IX.—1. *The Ordinance of Confession.* By William Gresley, M.A., Prebendary of Lichfield. London, Masters, 1852.

2. *A Brief Inquiry into the Law of the Church of England with Respect to Private Confession.* By Benjamin Shaw. London, Rivington, 1858.

3. *The Times*, August 18th, 1858.

4. *The Union*, July 16th, 1858.

LOOKING back on the history of the religious revolution in England during the last twenty years, it is curious to observe how large a proportion of it is simply a record of the controversies to which the movement has given rise. Indeed it is chiefly through these controversies that it is known to the outer world. The changes which it has brought about have, for the most part, been local and unauthorized. The practical results to which it has led are in great measure ignored by those to whom they are distasteful. The ardour of its individual supporters has been discouraged and defeated by the general indifference and neglect which it has encountered; and had it not been for these occasional episodes of conflict and controversy, which have served to register the onward movement of the religious drama, few, except the actors themselves, would suspect how deep were its springs of action, and how energetic must have been a vitality which has outlived the unfavourable influence by which it has been overlaid. Many of these controversies have arisen out of comparatively unimportant questions; others have turned on matters of the deepest moment; but,

whatever their respective doctrinal interest, all, without exception, bear witness at least to one great fact, the existence within the English Church of a known and acknowledged want, a restless craving of the inner spirit, which the recognized forms and teachings of Anglicanism are unable to satisfy; and, however men may differ as to the course which it was expedient in each case to pursue, the very agitation of the least important among the questions in dispute, from that regarding the surplice or the screen, up to the question of the Eucharistic sacrifice or Baptismal Regeneration, can only be looked upon as a new phase of that ancient and traditional conflict in the church, which reached its greatest development in the days of Laud and Montague, but which has never entirely died out, even in the latitudinarian epoch of Hoadley or Watson.

The latest, and in some respects, the most acrimonious of these controversies is that regarding the practice of private confession. It is a matter of no little surprise, indeed, that public feeling has been so late in arousing itself as to a practice seemingly so calculated to outrage all the received notions of Protestant England. It had long been vaguely known that the practice of private confession and absolution existed in certain parishes and districts; and even that certain clergymen habitually, or at stated times, visited, for the purpose of receiving confessions from those individuals among their flock, and even among the subjects of other parochial jurisdiction, who might desire such service at their hands. So far back as the publication (in the *Library of the Fathers*) of the translation of the Works of Tertullian, an elaborate dissertation was appended to the book "On Penance," which, while it disputes, with much dexterity and special pleading, the arguments for the divine obligation of compulsory private confession, unhesitatingly acknowledges voluntary confession not only as a primitive usage of the Church, but also as a most precious and salutary institution of the Christian life. It has long ceased to be a secret that many clergymen, acting upon this theory, not only receive the confessions of those who present themselves, but exhort, encourage, and solicit to the observance. The practice, nevertheless, has been conducted for the most part with much caution and a considerable amount of mystery; and the agitation which has recently arisen regarding

it, in the Knightsbridge congregation, is perhaps as much due to the angry spirit which still survives from former controversies imperfectly adjusted, as to the excitement directly created by the occurrences against which this particular movement has been directed.

It is no part of our present purpose to enter into any discussion of the particular facts which have created such a ferment in the Church. Neither do we mean to canvass the proceedings of the individual clergymen who have incurred so much public censure. But as much misconception prevails both as to the nature of the practice of confession among Anglicans, and also as to the principles upon which its use is defended or opposed, we think it necessary to enter into a brief explanation before alluding to the actual controversy regarding it which is now pending. Into the controversy itself we do not mean to go. But we feel that few of our Catholic readers have had any idea of the lengths to which the imitation of the Catholic practice of Confession has been carried in its details; and we are sure that among the great body of Protestants not even the faintest suspicion had existed, at least until very recently, of the curious state of things which we shall have to disclose.

It need hardly be said that upon the principles involved in this important question there have always been in the Anglican Church two traditionary schools, diametrically opposed to each other, and kept together only by that "compromise," which, according to the theory propounded in most of the recent decisions of the supreme tribunal of the Privy Council, forms the very life and essence of Anglicanism. It is here as in most of the other similar controversies. One of the schools founds itself upon the Prayer-Book, the other upon the Articles. For the theory or practice of confession the latter formulary not only supplies no authority, but on the contrary, appears opposed to it, as well by its silence, as by the general spirit of the doctrine of justification and of the sacraments which it propounds. On the other hand, the Prayer-book enters so very explicitly into the subject, as almost to take away from the adversaries of confession every shadow of pretext for their opposition to it, at least when considered as a voluntary ordinance.

In the Communion for the People which, as the first step towards a change of service, was appended to the Latin Liturgy, at the commencement of the reign of

Edward VI., there is a distinct exhortation to private confession as a preparation for the sacrament; after which the priest is expressly ordered by the Rubric to "pause for awhile, and see if any man withdraw himself, and if he perceive any so to do, to commune with him privily at convenient leisure."^{*}

In all the subsequent revisions of the Liturgy, it is true, this whole service was omitted. But all the revisions alike contain, in the exhortation addressed to communicants, an instruction which it seems impossible to understand, otherwise than as a direct invitation, if not a precept, to private confession. In urging the necessity of due preparation for the Sacrament, the Prayer-book declares that the way and means thereto are, "first, to examine our lives and conversation, and to confess ourselves to Almighty God;" then, as regards offences against our neighbour, after exhorting to the duty of reconciliation, and of satisfaction for injuries, it goes on: "Therefore, if any of you be a blasphemer of God, a hinderer or slanderer of His Word, an adulterer, or be he in malice, or envy, or in any other grievous crime, repent you of your sin, or else come not to that Holy Table: lest after the taking of that Holy Sacrament the devil enter into you as he entered into Judas, and fill you full of all iniquities, and bring you to destruction, both of body and soul. And because it is requisite that no man should come to the Holy Communion but with a full trust in God's mercy, and with a quiet conscience, therefore, if there be any of you, who by this means cannot quiet his own conscience herein, but requireth further comfort or counsel, let him come to me, or to some other discreet and learned Minister of God's Word, and open his grief; that by the ministry of God's Holy Word he may receive the benefit of Absolution, together with ghostly counsel and advice, to the quieting of his conscience, and avoiding of all scruple and doubtfulness."

Still more explicit is the service of the Communion of the Sick, which formally enjoins: "Here shall the sick person be moved to make a Special Confession of his Sins, if he feel his conscience troubled with any weighty matter. After which Confession the Priest shall absolve him (if he humbly and heartily desire it,) after this sort: Our LORD

* Procter's History of the Book of Common Prayer, p. 305.

JESUS CHRIST, Who hath left power in His Church to absolve all sinners who truly repent and believe in Him, of His great mercy forgive thee thine offences; and by His authority committed to me, I absolve thee from all thy sins, in the Name of the FATHER, and of the SON, and of the HOLY GHOST."

It is well known, moreover, that many of the greatest divines of the English Church have earnestly recommended the practice for which these formularies provide; and although the modern opponents of confession represent these divines as exclusively of the High-Church party, it must not be forgotten that many names, entirely beyond that suspicion, may be cited as among the patrons of private confession. The guiding spirit of the early Calvinistic movement in England, Cranmer, declares that God "hath given the keyes of the kingdom of Heaven and the authority to forgyve synne to the Ministers of the Church. Wherefore let him that is a sinner go to one of them: let him knowledge and confess his synne, and pray him that, according to God's commandment, he will give him Absolution, and comforte him with the word of grace and forgiveness of his synnes."—(Art. 8, Cranmer's Works, t. iv. p. 281-3, ed. Jenkyns.)

Latimer "wished to God that confession was kept in England:" and even Ridley declared that he "had ever thought it might do much good to Christ's congregation, and that he still was of the same mind." One might be prepared to find sentiments like these in the pages of Field, Montague, Hooker, Overall, and still more, of Sharpe, Donne, or Bishop Ken. But the truth is that many of the older divines, who are regarded as very far removed from the Romanizing tendency, fully concurred in the expediency of the practice. Jeremy Taylor over and over repeats the exhortation: "Besides the examination of your conscience (which may be done in secret between God and your own soul,) there is great use in holy Confession: which, though it be not generally in all cases, and peremptorily commanded, as if without it no salvation could possibly be had; yet you are advised by the Church, under whose discipline you live, that before you are to receive the Holy Sacrament, or when you are visited with any dangerous sickness, if you find any one particular sin or more that lies heavy upon you, to disburden yourself of it into the bosom of your Confessor, who not only stands

between GOD and you to pray for you, but hath the power of the keys committed to him, upon your true repentance, to absolve you in CHRIST'S Name from those sins which you have confessed unto him." And, perhaps the whole doctrine of this school in the Church may be fairly expressed in the words of Archbishop Wake: "The Church of England refuses no sort of Confession, either public or private, which may be any way necessary to the quieting men's consciences, or to exercising that power of binding or loosing which our SAVIOUR CHRIST has left in His Church. We have our penitential Canons for public offenders. We exhort men, if they have any the least doubt or scruple, nay, sometimes though they have none, but especially before they receive the Holy Sacrament, to confess their sins. We propose to them the benefit, not only of ghostly advice how to manage their repentance, but the great comfort of absolution too, as soon as they shall have completed it. When we visit our sick, we never fail to exhort them to make a special Confession of their sins to him that ministers to them; and when they have done it, the absolution is so full, that the Church of Rome itself could not desire to add anything to it."

Such was the interpretation of the discipline of the English Church received by the older Anglican divines; and it is hardly necessary for us to say that in the general prevalence of the opposite principles during the eighteenth century, this, with all the other traditions of the so-called Catholic school, not only entirely disappeared, but was succeeded by what may well be called a rooted horror of the practice as utterly irreconcilable with Christian liberty, and with the first foundation of the reformed belief, yet the Tractarian party, from the very first, have unhesitatingly subscribed to the "testimony of the Fathers" of their Church. "No Church on earth," says Mr. Gresley, "more distinctly recognizes the principle both of Confession and Absolution than the Church of England does. We are quite sure that our Church does not consider it improper or unnecessary, or an undue assumption of authority on the part of the Priest to hear Confession and give Absolution. On the contrary, she gives most positive directions on the subject. It is as peremptory an instruction in point of form, as when it is said "Here followeth the sermon," or "Here followeth the Litany." The minister is no more left to his discretion

in one than the other. He might just as well omit the Sermon after the Nicene Creed, or the Litany in its proper place, as omit the instruction with regard to Confession where the sick man's 'conscience is troubled with any weighty matter.' It is not left to the sick person's own suggestion. He 'shall be *moved* to make a special Confession;' the Priest is not to wait until the sick man makes the proposal, but is himself to suggest the propriety of Confession. And the Confession is to be 'special'—not a general Confession of unworthiness, an acknowledgment that he is a miserable sinner, and that he has done many things which he ought not to have done, and left undone many which he ought to have done. This is not the Confession which he is to be moved to make, but a *special confession of the particular sins of which he has been guilty*. And so in the Exhortation to Communicants; *every time* the Communion is announced, the minister is directed to invite all persons who have been guilty of sins which disquiet their conscience in spite of their own endeavour to repent,—whether they be blasphemers of God, or adulterers, or living in malice or envy, or any other grievous crime, or any sin that disquiets their conscience—all these are to be *exhorted* to go to some learned and discreet Minister of God's Word, and 'open their grief;' i. e., make Confession of their sins, in order that 'they may receive the benefit of Absolution, together with ghostly counsel and advice.'

Nor is Mr. Gresley's view of the doctrine of the English Church as to Confession, a purely speculative one. In the very remarkable little treatise, which stands at the head of this article, and which has now been in circulation for several years, he not only descends into all the details of argument in favour of the practice, but lays down minute and precise rules and principles for the guidance, as well of the confessor as of the penitent, in its due observance. What Catholic, for instance, reading the following hints for a first confession, would not conclude that they were taken from some of our own familiar books of devotion?

"It is very desirable that the first Confession should be as complete as you can make it. It is the great turning point in life—the nearest to Baptism which anything after Baptism can be. For having, as far as you can, brought all your sins before God, in the presence of His Priest, having repented of all, and received His pardon for all, you may begin to devote the residue of your life to

Him. To facilitate this search into your whole past life, it is best to divide your life into periods, according to any outward changes: *e.g.* of first going to school (if you ever were at one), or of abode, or any marked events of life, which make certain stages in it, or any turning points either for good or evil. Then in each, throw yourself back as much as you can into your former life, thinking with whom you lived, acted, conversed, were intimate; how you employed, amused yourself, your conduct as to Church, &c. Try to bring everything before you: each separate scene in every place—the fields, or streets, or houses around your home or abode, your walks, rides, society, loneliness and lonely thoughts, the rooms you lived in, their very furniture—everything helps to recover the memory of your past life, and so bring back (alas!) the memory of some sin.

"As you recall them, you had better mark them down for yourself, by some abbreviations which others cannot understand, else you might forget them. In any heavier sin, it is best to trace out the beginnings or forerunners of it—(it is alas! commonly something in childhood)—then, when it began to be more against conscience, the length of time it lasted—any aggravations of it—how it ramified into other sins, or in what different forms it appeared; or if it were one in act as well as in thought and word; or, if it were a sin of the senses, what different senses were engaged in it—as the sight, hearing, touch; whether it were resisted, or whether, (as will be the case sometimes, *e.g.*, as to lies told in childhood or school-days to screen a fault, or to escape blame or punishment) committed almost as often as the temptation occurred (so that if it was not more frequent, it was only that God did not permit the temptation to be so, and any escape from sin was only of God's mercy); or again, whether it was broken off for a time, and again committed."—pp. 69-70.

The same may be said of many other excellent suggestions which follow: as, that the examination should be made "kneeling, and in as much stillness as possible;" that it should be "mingled with short prayers to God for mercy;" that it should be especially directed to "the leading sin of our life;" that we "should first take that which oppresses us most, and that, when we have gone through this our mind will be freer for the rest."

Then as to habitual sins, no Catholic director could be more suggestive.

"Under each head of habitual sins, two things will occupy your mind: First, the grievous character of some acts of the sin: Secondly, the frequency of it. It is best to take these two apart. Conscience is the best guide. They are a separate weight upon it. They weigh it down singly, apart from the whole mass of sin, and

the soul feels that it must be discharged of these singly. But, apart from these, we must endeavour to make an estimate of the frequency of each sin. This, in habitual sins, will, at best, be very vague and imperfect; but we must do what we can. If you took no account of it, and now cannot recall it, yet you may make some average of it. Thus, a sin may have been committed under some circumstances, and not under others; at school, and not at home; and this for two or three, or more years. Or, again, you may have been freed from it, or nearly so, after your Confirmation or first Communion. Or you may have made resolutions to break it off, and kept them for a time, and then relaxed, or been surprised into it again. And this may have taken place repeatedly. Or it may have diminished before you finally broke it off, even during a whole year. Look as closely as you can into your past life, year by year, month by month, and week by week. People have been able to recall that such or such a deadly sin was committed, at times twice in the week, or even daily. Make such an average, as nearly as you can, for each year; take account of the periods, longer or shorter, during which you were free. It will often be a heavy sum at the end, yet so we shall the rather understand what the debt is, which, if we humble ourselves, God will forgive us for His Dear Son's sake. 'My sins have taken such hold upon me, that I am not able to look up: yea, they are more in number than the hairs of my head, and my heart hath failed me.' It is often very miserable to find what very deadly sins a person may have committed, and yet can form no estimate of their number."—pp. 73-4.

The aids to memory in self-examination too, which are suggested, are precisely those with which every well-instructed Catholic is familiar. Several little books for the purpose have been compiled and put in circulation,—“Hints for Self-Examination,” “Helps to Self-Examination,” “Forms of Self-Examination,” and “Questions for Self-Examination.” Some of these are more detailed than the others, but the principles which pervade them are the same. The penitent, too, is directed, just as in the Catholic books of instruction, to consider his life carefully in all its stages, and in relation to the occupations in which at various times it has been spent, to the special graces which have been vouchsafed to him, and above all, to the predominant passion or inclination which has been his mainspring of conduct. He is warned, however, not to confine himself rigorously to any particular order, but, throughout the examination, to note down any sin which occurs to his mind, “although not under the head which he is then examining, since sins often flash across the mind

and are forgotten again unless noted at the time." And the whole concludes with a most practical and comforting instruction upon the order of confessing, and the principles which are to regulate the conscience as to the degree of completeness required in self-accusation.

"The order of search into your own conscience need not be the order of the Confession. In the Confession itself, it is best, for the most part, to follow out each sin as it developed itself through life, rather than confess the sins of any period of life collectively. You would thus have more insight into the amount of each sin, which contributes much to shame and repentance. It is probable that, after all, unless you should, from circumstances, have been a long time preparing for your First Confession, it will be incomplete. Let not this trouble you. God only requires of us faithfulness to do what we can. A Confession avails which contains all you can recall. If other sins come back to your mind afterwards, which you would have confessed had you remembered them, they should be confessed afterwards, because the forgiveness is conditional upon the completeness of the Confession. Completeness implies that there should be care and faithfulness in discovering sins, and that nothing so discovered should be held back: you would not have held it back had you then remembered it. Do not hold it back when next you have the opportunity; and, meantime, your forgiveness is unimpaired, because you virtually confessed all, in that you confessed all that you remembered. Confessions after many years of life, full as they are of blessing, must be but fragments, as it were, of a sad whole, which we cannot recall."—pp. 77-8.

The chapter, however, which will be read with the greatest interest, is that upon the act of confession. The penitent is exhorted to prepare himself by the use of all available "means which may tend to keep the mind entirely occupied with the important business—such as withdrawal as much as possible from the world, mortification of the body, by abstinence at least from full meals, and from anything approaching to sloth and self-indulgence." Every topic which can arouse his contrition, or stimulate his purpose of amendment, is suggested. The terrors of God's judgment, and still more the wonders of His mercy, are set before him. He is reminded that so solemn an act is to be performed with all due solemnity. The priest must wear his robes of office; the penitent must kneel upon his knees, "the priest, meanwhile, kindly assisting him by such suggestions as may render his confession full and sincere. One by one let the penitent, with humble

voice and contrite heart, enumerate his transgressions—taking, for ‘convenience’ sake, the order of God’s Commandments. Some advise that the principal sin of life should be first confessed, and the lesser afterwards. And when some one sin, or class of sins, presses heavily, this is the best course; for till that is confessed the mind can scarcely dwell on others. Generally the order of God’s Commandments seems the best as leading by a natural advance from the principles of religion to the practice—from sins against God to those more directly against man.” Then the course of self-accusation, according to the order of the Commandments, is distinctly pointed out, the priest being directed to assist, by discreet questions and suggestions, the timorous or imperfectly instructed penitent: nor, in these suggestions, is there any want of fulness and particularity. And as to the seventh and tenth (six and ninth) Commandments, the necessity of special confession, and even of special examination, is directly urged. The confessor is cautioned against anything which could suggest a knowledge of evil to the innocent; but, “if he finds that impure thoughts have been cherished, he will then elicit further, though cautiously, whether such thoughts have developed themselves in words or deeds. What unheard-of miseries might be prevented, if youth were taught, by some discreet and kind friend in whom they confided, the necessity of checking the earliest inclination to sin which brings with it such fearful consequences! Thousands are ruined before they know their danger. What a load of shame and anguish might be spared to the penitent, if he had earlier been used to ‘open his grief’ to one who knew how to advise him, as good Bishop Ken so strongly advises in his Manual for Winchester Scholars.” Nor does it end here. The accusation must not be regarded as complete, till it has been carried through the black list of the seven deadly sins; and, in every stage of it, the priest, carefully repressing all signs of horror “or astonishment, must be ready to assist the penitent if, from confusion of thought or want of recollection, the confession is imperfect. And especially if he finds him evading or glossing over the full enormity of his sins, or endeavouring to palliate the sinfulness, he should exhort and *encourage him to conceal nothing, but make a clean breast of it*; and, if occasion requires, he should

interpose such questions or observations as may be necessary to assist him in his sad and painful task."

The part of the priest's office which succeeds—the absolution—is cautiously explained, but yet clearly with a full sense of its ministerial and authoritative character. The priest, we are told, has power to retain as well as to remit sins. He can give absolution or refuse it. If the confession appears plainly wanting in fulness, in sense of shame, in contrition, in purpose of amendment, in resolution to put away occasions of sin, the absolution must be refused. If it be more hopeful, though still imperfect, the priest must do all he can to help the penitent towards a true and perfect disposition. A promise of restitution of ill-gotten gain, and of reparation of wrong done to the neighbour, must always be exacted from those who have confessed such wrong doings. "Penitential exercises of a remedial nature" must be enjoined; and such exhortations must be employed as may bring the sinner to a full sense of the enormity of his offences. Finally, the priest is "to lay his hands solemnly on the head of the penitent, and pronounce the words of absolution;" nor, "where all is done in faith and earnestness, need either priest or penitent doubt that the pardon pronounced on earth is registered in heaven." (p. 100.)

This doctrine, coming from an Anglican, and addressed to members of his own Church, will no doubt appear sufficiently striking. Mr. Gresley is fully prepared to expect that it will be so received; but he feels no dread of the consequence.

"It will be said, perhaps, that if this is the way to repent, and obtain God's forgiveness, it is to be feared that the members of the English Church are in evil case, in consequence of the very general disuse of Confession. It may be so. It may be that many souls are lost for want of this Ordinance. I should not have written this book if I did not most fervently hope and believe that, if it tended to the revival of Confession, it might, under God's blessing, be conducive to the salvation of souls. At the same time, it is not to be inferred that this is the only possible mode of obtaining God's forgiveness. God is not tied to His Own Ordinances, nor in this case has He tied *us* to them. The English Church does not hold Confession to a Priest to be necessary. Still we have the fact that this is the ordinary way in which members of other Churches are brought to repentance; our own Church not only recognizes the principle, but, in certain cases, enjoins the practice; the holiest men of the English Church have almost universally adopted it;

and, in spite of the existing prejudice against it, it is much more practised in the present time than may be generally supposed. Even in cases where formal Confession and Absolution are not adopted, nay, would be objected to, there is often, I apprehend, something very nearly of the same character. One cannot unfold the secrets of hearts, but one might almost venture to say, that most men who, by God's grace, have been brought to repentance, have owed their salvation to the instrumentality of some other Christian soul, to whom they have unburdened their griefs, and from whom they have received the knowledge of salvation. And this is the principle of Confession. It seems God's general practice to make use of human means. He sent Nathan to David, Ananias to St. Paul, St. Peter to Cornelius. He might have poured His HOLY SPIRIT into their hearts without the intervention of human means—He may sometimes do so. But His general rule seems to be to employ instruments. The spirit of one is brought into contact with another; the holy contagion is communicated from soul to soul.

“Confession and Absolution are the ordinary and regular means adopted in the Church whereby this contact takes place. The whole Ordinance is but the carrying out of that which, Sunday after Sunday, is the burden of the Preacher's exhortation. I would not say one word to disparage the Ordinance of Preaching. But Preaching must not be considered as all in all. For a Minister of God's Word to trust only or chiefly to Preaching for the conversion of sinners, is much the same as if a physician were to call his patients together and give them a lecture on health, but neglect to inquire into their individual cases. The Ordinance of Confession is the fit occasion to investigate the spiritual maladies of each, and prescribe for their respective cases. Preaching and Confession are ancillary the one to the other. How often is the sinner startled by the earnest call of the Preacher to repentance—his wretched state is described, the danger in which he is living, God's abhorrence of sin, his own ingratitude, his Heavenly FATHER's mercy to returning prodigals, the wonderful atonement made by the SON of God for the sins of the world. He acknowledges the appeal, he feels its application, he wishes he could repent, but knows not how. He retires to rest more serious than usual—says an additional Prayer; but on the morrow the absorbing cares of life return with their full force; worldly business or pleasure again engrosses his thoughts; he goes on in his old course, his conscience heavy-laden and oppressed as before:—like a man burdened with some growing tumour which he knows will one day kill him unless he has it removed, and yet he cannot make up his mind to submit to the operation.

“Now for the sinner to go to a Priest and make Confession, is like the sick man just described going to a surgeon—it brings the affair to a crisis. Repentance—before vague, indefinite, much hoped for, but never realized—is now brought close to him; it is

something real and attainable. He is burdened with sin now ; in a few days his burden will be removed, he will be a free man. The discreet Minister of God's Word whom he consults fans the flame of his good resolution, encourages him to persevere, puts him in the way of making his repentance good, gently leads him onward, until he has laid his whole soul open with true contrition before God—Absolution is given, and he is a pardoned man."—pp. 101-4.

The chapter on Penance is equally remarkable. Although it is considered under two relations, as remedial and as penal, it is chiefly to the former view of the subject that the writer addresses himself. After a few very striking observations in reply to the popular prejudices against the use of penance, he proceeds to point out the particular forms of penance which may best be practised as remedies against the several species of sinful habit which it may be necessary to correct. A worldly and dissipated mind must cure itself by the practice of recollection and prayer ; selfishness and insensibility, by labouring for the service of others. The arrogant man must cultivate meekness and condescension. There are other remedies which will still more revolt the habitual prejudices of Protestantism. "A man is tormented by evil thoughts at night. Let him be directed to cross his arms upon his breast, and extend himself as if he were lying in his coffin ; let him endeavour to think of himself, as he will be one day, stretched in death. If such solemn thoughts do not drive away evil imaginings, let him rise from his bed and lie on the floor, or pray until a better spirit comes upon him. But there are many things to be avoided, which contribute to the excitement of carnal thoughts—high living, exciting companies and amusements, and sights. A man who feels himself drawn into sin by these temptations must, without hesitation, give them up. To pretend to repent, when we constantly place ourselves within temptation's reach, is mere trifling with our souls. Of course, what is a temptation to one person may not be so to another ; we are not to judge our neighbour, but to consult for our own safety, by resolutely giving up what we feel is prejudicial to our soul's health." In a word, the whole spirit and tenor of this portion of the treatise is in perfect keeping with the received actions and usages of Catholic asceticism ; nor, unless that throughout all is supposed to be voluntary and not compulsory, does the system which it enjoins fall

short, except perhaps in degree, of what Catholics have been habituated to from their earliest childhood.

Such is the system, as disclosed in this curious little treatise, which has long been silently at work in the Church of England, and to which, although already known in a general way to many, public attention has only been fully awakened by the occurrences which have recently excited such a storm throughout the land. We have already disclaimed all intention of entering into the particular cases which have given rise to the discussion. Our sole concern with the controversy is, that it supplies another illustration of the nature of the public and authoritative action of the Church of England, in so far indeed as that Church can be said to exercise any such public and authoritative action.

The question which arises in reference to confession is surely one of the most important in a practical point of view, among the many which have been stirred during the progress of the movement. We do not mean to examine what is really the doctrine of the Anglican Church regarding it. For the purposes of our present inquiry it is perfectly immaterial whether the Tractarians or the Evangelicals have right upon their side; whether confession be a holy and saving ordinance, or whether it be one of the engines of Satan for the destruction of souls. Thus much at least seems certain,—the question is one which, once stirred, ought not to be suffered to remain unsettled. If the Church has any public function of teaching at all, surely this is a point on which silence is utterly indefensible, and on which the very humblest of her children have a strict right to demand an authoritative solution of their doubts.

Now what is the course taken by “the Church” in this controversy? The subject appears to have come officially under the notice of the bishops of the clergymen whose conduct has been the subject of animadversion. Of these bishops one (the Bishop of Oxford,) plainly sympathises with the accused clergyman; and although, as in more than one similar emergency, he shrinks from a full statement of the real principles which are involved, he nevertheless distinctly recognizes the lawfulness, and even the fitness, if not the necessity of the practice of not merely receiving the confessions of the sick, but even of exhorting them to the duty of confession. He condemns with all the earnestness of which he is so accomplished a master, the Roman

practice of the confessional; but he cannot refuse to recognize a certain use of it, as prescribed by the English Church.

"But while, for these and for other reasons," he adds, "I should resist to the utmost every attempt to introduce among ourselves confession, as it is enforced and practised in the Roman communion, I must remind you that, if the ministry of Christ is to have its full effect in our hands, it must address itself plainly to separate souls and to the particulars of their cases; that it must, by plain dealing as to sin, awaken sleeping consciences, and so bring them, if God vouchsafe His grace, to confess their sins to Him, and thus be drawn to the Cross and sacrifice of our dear Lord for deliverance from its power and its condemnation. And if in this process any sick persons among our people cannot find rest for a burdened spirit without it, and desire it of us, we are bound to admit them to confession of any special sin, and if they desire it, to give them absolution. As to all this, the rule of our Church is plain.

"The 113th canon, of 1604, distinctly directs that 'If any man confess his secret and hidden sins to the minister for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him,' the minister shall not reveal, except in specified cases, what was so committed to his trust, 'under pain of irregularity.' Such an enactment plainly supposed that to receive such a confession from a burdened soul is a part of the minister's duty. The office for the Visitation of the Sick, and the exhortation at the beginning of the Communion Service, carry out further into practical directions the rule of our Church on this matter; for, in the office of the Visitation of the Sick, the minister is directed to say to the sick person,—'I require you to examine yourself and your estate, both towards God and man, so that, accusing and condemning yourself for your own faults, you may find mercy at our Heavenly Father's hands, for Christ's sake.' Then he is to rehearse to him the creed—'that he may know whether he do believe as a Christian man should or no.' After which the minister is 'to examine whether he repent him truly of his sins.' After which it is ordered, 'Here shall the sick man be moved to make a special confession of his sins, if he feel his conscience troubled with any weighty matter. After which confession, the priest shall absolve him if he humbly and heartily desire it.'

"Now, the rule here laid down is plain,—inasmuch as souls are lost through uninformed and sluggish consciences suffering them to remain at rest, without repentance, in sins both of faith and practice. The articles of the faith and the strict requirements of God's law are to be brought before the sick man with a view to arousing his conscience and leading him to true repentance towards God, and to a living faith in Christ Jesus our Lord. And if this succeed, and the sinner, being 'examined whether he repent him

truly,' is through God's grace led to repentance and can find peace, then all is well. There is to be no further confession to man. But, if not, if the minister see that the sick man is perplexed and unable to attain to peace, then he is to 'be moved to make a special confession if he feel his conscience troubled with any weighty matter.' Just in like manner, in the exhortation in the Communion-office, the man who 'cannot quiet his own conscience' is bidden to 'come and open his grief to the minister of God's Word, that by the ministry of God's Word he may receive absolution.'"

The Bishop of Oxford, therefore, although he has appointed a commission to inquire into the facts, which has resulted in the acquittal of the accused clergyman, yet, without entering into the merits of this particular case, unhesitatingly admits the general lawfulness, and even utility of the practice of Confession, provided it *be not enforced as obligatory*, and imposed as a yoke upon the people.

On the other hand, the Bishop of London, with precisely the same circumstances before him, (although in a different case,) regards the course which was "pursued with reference to Confession as likely to cause scandal and injury" to the Church. "I feel especially," he says, "that the questioning of females on the subject of violations of the Seventh Commandment is of dangerous tendency; and I am convinced, generally, that the sort of systematic admission of your people to Confession and Absolution, which you have allowed to be your practice, ought not to take place. Under the circumstances, I feel I ought to mark my sense of the impropriety of what you describe as your practice; and I shall therefore feel myself bound, though with great pain, to withdraw your license as curate of S. Barnabas, and shall send you a formal notice accordingly."

In like manner the Archbishop of Canterbury, to whom an appeal against this sentence was forthwith addressed, unhesitatingly confirmed the sentence. "It appears," the Archbishop very curtly replies, "from the statements in your formal reply of the 21st of May, and in your letter of the 15th of May, to which in your formal reply you refer the Bishop, that you have been in the practice of conducting a system of private Confession and Absolution among your people, and that the Bishop deemed such practice to be not authorised by the Church of England, and to be calculated to bring scandal on the Church.

"I concur with the Bishop in the view which he has taken of your practice in this respect; and, therefore, think it just and proper to confirm the revocation of your license, and I confirm it accordingly."

A third bishop (of Rochester) still more energetically condemns the practice, and sentences the offending clergyman. And not content with the exercise of his own episcopal authority, he appeals against the innovating clergyman to the laity, for their assistance in discountenancing and reprobating the practice. "I hope," he says, "that every husband and father will strenuously resist the attempt on the part of some of the clergy to introduce the practice of confession, thereby obtaining an undue influence over their families, in addition to the moral evil it is calculated to produce." The same course is reported to have been taken by the Bishop of Winchester.

We repeat, that we are not considering which of these two conflicting views is the true one, although this, of course, is a question of the very deepest importance; but it seems plain, at least, that both cannot be true; and it is equally plain that it cannot be, or ought not to be, a matter of indifference which of them shall be adopted in practice. If the Church of England be not prepared to abdicate entirely all the functions of a church, this will surely be an occasion for their exercise. If among the objects for which our Lord established His Church upon earth, there be one more prominent than another, it is that she should TEACH what He Himself had come on earth to teach. It is not enough that she should be protected from *teaching error*:—it is her duty and her office to teach the truth; and although it may be said that she is not called upon at all times, and in all seasons, to pronounce authoritatively upon every doubt which may arise, yet it would be a monstrous mockery of the sacred character with which every churchman must believe her to be invested, to suppose that where, as in the present controversy, the very foundations of Christian morality are imperilled, she can remain silent and indifferent without fatally compromising every claim to be regarded as the depositary of the authority or of the counsels of the God of Truth.

One conclusion must rush upon every mind. Something, it is clear, must be done. Both parties, whatever be their views as to the matter in dispute, are alike

interested in the settlement of the question. Both alike must feel that, for the Church to be silent is to betray a solemn trust. If they be of the number who believe the practice of confession to be a holy and comforting ordinance, what can they think of the mother who suffers it without a struggle to be wrested from her children? If they believe it to be calculated "to bring scandal on the Church," a practice "of dangerous tendency," and a "source of moral evil," how can they justify the weak and temporizing policy which is openly pursued by a large section of the bishops regarding it? And in fine, whatever side they embrace in the controversy, how can they reconcile with even the lowest views of ecclesiastical duty, the policy of withholding from the people, in a crisis so momentous and involving so many vital interests, a clear, simple, and authoritative exposition of their obligations, as members of society, as children of the Church of England, and even as brothers of the great Christian family?

ART. X.—1. *Chronicles and Memorials of Great Britain and Ireland, during the Middle Ages.* Published by the authority of Her Majesty's Treasury, under the direction of the Master of the Rolls. London: Longman, 1858.

2. *Capgrave's Chronicles of England.*

3. *Monumenta Franciscana.*

4. *Chronicon Monasterii de Abingdon.*

ONE of the happiest and most hopeful signs of the age, as far as regards its literary character, is its disposition to explore and disclose the old memorials of our history. Whether in the publications of the Camden Society, or the societies antiquarian and archæological, or in the more popular publications of Bohn, or, lastly, in the more important works undertaken by the Government; this tendency is equally observable, and has been, and must be, productive of the happiest results for the cause of historic truth.

Through the enterprise of Mr. Bohn, the British Chronicles of Gildas and of Nennius; the Saxon, or, Saxon-Norman Chronicles of Bede, of Roger of Wendover, and of Mathew of Westminster, have become books for the million, instead of being sealed to all but the learned; and, at last, the Imperial Government, partly inspired by the example of private enterprise, and partly incited by the members of the societies alluded to last, became a fellow labourer in the great work, and has unlocked for the nation its own antiquarian records.

"On the 20th of January, 1857, the Master of the Rolls, (Sir John Romilly), submitted to the treasury, a proposal for the publication of materials for the history of this country, from the invasion of the Romans to the reign of Henry VIII." The Master of the Rolls suggested that these materials should be selected for publication, without reference to periodical or chronological arrangement. Of the three volumes already published, one, the "Chronicle of Abingdon," is purely local in its character; the other two, "Capgrave's Chronicles," and the "Letters of Adam Marsh," are both of national interest, and throw a great deal of light on the history of the times to which they relate. As to Adam Marsh, he was a Franciscan friar, who lived in the reign of our Henry III., and was therefore contemporary with Grostete, the celebrated bishop of Lincoln, and with Simon de Montfort, the famous Earl of Leicester, to whom many of the letters are addressed.

These eminent men were intimate friends, and the friar was acquainted with them both, and it is extremely interesting to peruse the correspondence of such men, after the lapse of six hundred years. "Capgrave's Chronicle" really commences about the time in which they lived, and some of his entries, though meagre in the extreme, and often grossly inaccurate, illustrate in a very striking way the spirit of that age, often all the more so on account of their gross inaccuracy—we might use a stronger term. For, alas! in that age, an evil spirit was abroad, a spirit lately described in this work in the able article on the "Mystics of the Middle Ages."

Properly to understand and appreciate these volumes, it is necessary to be familiar with the old English Chronicles. Half a century after the great contest with St. Anselm—in 1205, the reign of John—a case occurred which strongly illustrates the nature and the necessity of the Papal exer-

cise of his power as chief pastor of the Church. The story is thus told by Mathew of Westminster. "Hubert, Archbishop of Canterbury, died, and the monks, to whom the right of election in the first instance had been conceded as a privilege by the Apostolic See, chose one of their members, who turned out very unfit; for, being sent to obtain a confirmation of his election, he boasted and bragged about it," so that it is plain that every one who saw him must have been disgusted. He pressed the Pope constantly for his consecration, but the Pope replied that "he wished to deliberate, and that he should wait until he was more fully informed of the matter." "But the monks, having probably elected him in order to gain their weaknesses, being now themselves sensible of his unfitness," sent to the king, requiring from him permission to proceed to an election. And the king assented to their request; and secretly addressing them, pointed out to them that the Bishop of Norwich was one who was united to him by ties of great intimacy; and he combined commands, promises, and entreaties together, to persuade them to elect him archbishop; "when, therefore, they met, they chose John de Grey, Bishop of Norwich, for their Archbishop, who at that time was at York, on the king's business." We may imagine what manner of man this prelate was—an intimate friend of the tyrannical ruffian John, who at that very time was rioting in luxury and gluttony.

"And so," says the Chronicler, "in this double election, a second error was committed, worse than the first, which was the seed of many tribulations and scandals in England, which were never afterwards completely quieted and extirpated." Well, what ensued? Two years the controversy was carried on, during all which time the province of Canterbury was deprived of its archbishop, and the English Church of its primate. The suffragan bishops,—men for the most part, like the bishop of Norwich,—claimed the right of first election, or, rather, nomination; but the Holy See knew better; and confirmed it to the monks. It was only a right of nomination. And well it was that it was no more. Next year, we read: "As the parties were still carrying on their contest about the double election of the monks of Canterbury, the Pope, seeing that they could not agree in either one or other of the elected archbishops, annulled both the elections, earnestly

addressing and persuading them to elect (i. e. nominate) Stephen Langton, an Englishman by birth, a man of deep wisdom, elegant person, faultless morals, a fit and sufficient person, as far as man could be, to govern the Church, assuring them that his election would be very advantageous to the king and to the Church." But the monks replied, "asserting that it was not lawful for them to proceed to a canonical election without the royal consent and that of their own convent." And the Pope said, "Know ye that ye have plenary power, as ye are selected as the first men in your convent, and it is not customary to wait for the consent of princes to elections which are celebrated at the Apostolic See, on which account we do command ye, as ye are amply sufficient for the election, by virtue of obedience, and under the penalty of anathema, to elect him archbishop, whom we give you to be the shepherd of your souls." Then the monks being in a strait, fearing the sentence of excommunication, gave a consent, such as it was. But there was, as usual, a Judas. "Alone, of all of them, master Elias de Bradfield, who had come on the part of the king and the Bishop of Norwich, refused his consent. When the king heard this, he expelled the monks and confiscated their possessions," which one is almost glad to hear of, seeing how they had truckled to royalty. But to coerce the king to restitution and to a reception of the archbishop, the kingdom was laid under an interdict.

Now let any one fairly say whether this exercise of the Papal power was not, in such a case as this (and it constantly occurred) absolutely necessary, if England was to have an Archbishop at all, or any other than a mere servile minister of a tyrant? The subsequent history of the reign shows Langton to have been an able and an excellent prelate; a pure upholder, not only of the Church, but of the national freedom. His name is appended to the Great Charter, and his exertions were mainly instrumental in procuring it. Yet, such is the bigotry of this country, and such the ignorance of history, that the character of the Papacy is associated, in regard to the reign of John, with royal tyranny! But for the Pope, this monster, whom the chronicler stigmatizes for "insatiable avarice and unappeasable gluttony and licentiousness," would have had the power of forcing on the Church of England some sycophant prelate, or some corrupt and servile priest, the

willing slave and tool of his debauched desires, and his depraved will!

Men like John would certainly appoint men like themselves, and not long afterwards we read of Richard de Marais, a man in manners and example resembling John, who had made him Bishop of Durham, "who died (anno. 1226) after having distressed the monks by innumerable tyrannies, leaving his church encumbered with debts amounting to 40,000 marks," an enormous sum in those days; doubtless most of it swallowed up by the vices of the wretched prelate's wretched master.

Yet the sordid jealousy of the clergy and prelacy, as regards pecuniary contributions to Rome, is as remarkable and lamentable as their servility to the Crown.

When, in the year 1226, the Pope's Legate, at a council of the English Church, asked assistance from her great resources, urging with unanswerable justice that "the children ought to relieve the wants of their mother," because (ran the papal letter) "unless we receive presents from you, *we shall be in want of the very necessities of life*:" an appeal so pathetic and so just, was met by the prelates with mean evasion, and the rejection of it is recorded by the monkish chronicler with insolent and complacent contempt!

Sometimes we are inclined to wonder that God should have given over the Catholic Church in England, or in Germany, or France, to slavery, spoliation, and rapine; but looking at the conduct of the prelates and priesthood of the middle ages, the marvel disappears, and the only wonder is, that Heaven's wrath should have been so tardy, and that the Church in those lands should have stood so long! The wealthy well-endowed clergy of the English Church, who to Rome owed all the wealth they revelled in, since from her they had received the light of faith and warmth of charity, which had led their ancestors to make these noble endowments—these rich and comfortable priests and prelates, so ready to contribute of their Church's goods to feed the vices of a king, steeled their hearts, at his bidding, or at the instigation of their own accursed avarice, against the appeal of Christ's Vicar in the hour of his most pressing necessity; or if they ever aided him, did so with a niggardly and grudging hand, and watched, with envious eye, every penny which the charity of the faithful would have sent to St. Peter!

How abominably had the wretched prelacy departed from the primitive spirit of the Church, and indeed, almost amidst the dark clouds of their ambition and their avarice, obscured in their minds the very idea of it! The very character of the Church is, that it is one body, so that what the charity of the faithful gave to the Church was given to the Church everywhere, and nowhere more than to its Head, to Christ Himself, in the person of His Vicar, so that when the Pope asked, he asked but his own; he came unto his own, but alas! as of his Master, so of him, "his own received him not." On the contrary, his own children then, there, and everywhere, said, "we will not have this man to reign over us;" "why should treasure go to Rome?" was the greedy cry of the sordid and servile priesthood of that age. Not all were so, but alas! too many, and of the prelates, nearly all; for, to procure the appointment of courtly prelates, the monarch always strained his every effort, and so much power for mischief had he in his hands, that he too often prevailed. And so went on the medieval Church from bad to worse, getting darker and colder every day, until the clouds from hell almost closed over it!

There were constant contests between the King and the Pope about the appointment of bishops. Here is one. "Richard, Archbishop of Canterbury," says Mathew, "being dead, the monks of Canterbury determined, with one accord, to demand as his successor Ralph de Neville, Bishop of Chichester, and Chancellor of the King, because he was very faithful to both King and kingdom, and an unshaken pillar of the truth." Lying chronicler! Like De Grey of Norwich, of whom we have already spoken, Neville had been a minion of the tyrant John. Need we say more to describe his character? He was made Chancellor and bishop alike by royal influence, and as a royal favourite, and, but for the Pope, the Church of England would have been cursed by having him as primate. Mathew goes on thus: "After this demand of theirs was made known to the Pope, he having made diligent inquiry into the character of the man, made them answer that he was not worthy of such pre-eminence." Mathew adds, in the true spirit of the national church, "Fear of the zeal of that faithful man, lest he should hereafter endeavour to deliver the kingdom of England, which he could with a sincere heart, from the yoke of tribute under which it was bound."

Which means that the bishop was too fond of money himself to be likely to send any to Rome, as was the case with too many of the bishops of that age. Roger of Wendover says that the prelate had sufficient grace himself to be conscious of his own inefficiency for the office, and at all events when applied to by the monks for the expenses of their journey to Rome, he declared that he would not contribute "*obolum unum*" for that purpose. Whether this was from modesty or avarice we leave the reader to guess. Mr. Foss, in his learned "*Lives of the Judges*," says, "That Neville was an ambitious man none can doubt; that he accumulated vast riches is equally certain." These were the kind of prelates whom kings delighted to honour; like their royal masters, they loved money too much to let it go to Rome to help Christ's Vicar in his need, even when princes like themselves were plundering him, and depriving him almost of the means of subsistence; forcing him often to become a fugitive and a wanderer on the face of the earth, while the great ones of the earth caroused with covetous and courtier prelates, and reviled him for his avarice, his ambition, or his pride.

As in England, so in Germany, the disease was universal, that of a simoniacal and servile prelacy. Half the Pontiffs of the middle age were martyrs in their efforts to repress it. What but this was the object of that dire struggle about "*investitures*," which really meant this, whether wicked princes should appoint wretches like themselves to degrade the name of bishop, and make it odious! Let us quote Protestant testimony on this matter. "Of religion the high-born bishops of Germany had little sentiment." In reviewing the works of Mr. Foss and Mr. Froude we showed how this was the case in England; and the remarkable article on the "*German Mystics*" in our April Number, told very much the same story as to France. The truth is, most Protestant and Catholic countries tell very much the same story as to the abuses of the middle ages; they only differ as to this, (no doubt the great point,) who was responsible for these abuses. And on this point it is we are quoting Protestant testimony. "They looked on their sees as due to their birth; so long as the sovereign had power to confer it he was beset by their relatives." Well, then, the Pope's remedy for this was his exercise of his right as Chief Pastor to appoint the bishops. And now mark what the Protestant testimony

is on that point. "It cannot be denied that, whatever the national writers may say to the contrary, the ecclesiastics appointed by the Pope were generally far superior as regards both merit and conduct, to those nominated by the chapter or the bishops." (Hist. of Germ. Empire, ii. c. iii.) And as we showed, in our review of the work of Mr. Foss, that was beyond all doubt the case in England.

But of course if the national clergy were ignorant, or immoral, or courtly, or for any cause unfitted for episcopal duties, the Pope could only bring proper persons from some other parts of the Church, and this irritated national jealousy. And even if he chose natives, he offended the princes or the other lay factions, whose privilege of nominating or proposing a party, they were apt to mistake for and assert as the right of absolute appointment.

"When the privilege of election was restored the canons were courted; in neither case, however, was the dignity obtained without money, or without the promise of some equivalent advantage. Of learning and piety no one ever dreamed, and had they been found to exist in a candidate, assuredly they would have led to his rejection. That is at the hands of king or canons, and no doubt too often, not invariably, this was so. We know that in many cases such qualities had this effect, and that the reason was unblushingly proclaimed. As the canons lived in notorious disregard of their religious duties, and of the decencies of their station, they were loath to have an importunate monitor over them. They were thoroughly and hopelessly corrupt; at once ignorant and profligate." This is stated upon undoubted Catholic testimony, the testimony of ecclesiastics and of Pontiffs of that age. "The Churches of our days," says an ecclesiastic to Clement V., "are in such a state, that when a vacancy occurs nothing is so difficult as to find a candidate with the proper qualifications for the episcopal office. And even if such an one were pointed out, the bad and useless ecclesiastics are in such number that they would certainly exclude him. And because *similes similibus gaudent*, they would be sure to choose one after their own hearts, one to ruin the Church and the people subject to him." (Hist. German Emp.)

In 1232, says Roger of Wendover, Pope Gregory appointed visitors to visit the religious men throughout the whole of Christendom, by a letter which he wrote. "Whereas it has come under our notice frequently that

the Churches of the Canterbury province have dreadfully fallen off in spiritual and temporal matters, owing to the evil-mindedness and carelessness of those employed in them, we do not choose any longer to pass over their faults in silence, lest if we should suffer them to go uncorrected we should seem to take them on ourselves, and we have therefore appointed special visitors, reprovers, and correctors, as well in the head as the other limbs, to visit those Churches situated in that district, which are known to belong immediately to the Roman Church; and have granted them full authority, in their visitation of those Churches, to correct and reform the abuses which they may be certain require reformation and correction." The Holy See was then, as ever, labouring for reform of abuse. Whence arose the obstacles to it? Just where arose the abuses—among the local clergy. Thus, as we find from Roger, the monks soon began to complain of too great severity. "With regard to the other Churches and religious men who were under the immediate jurisdiction of Rome, he did not appoint bishops as visitors, but abbots, who were severe men, and proceeded in their visitation mercilessly," &c.

But see how carefully the Holy See provided for all cases. To the abbots the Pope wrote thus:—

"They shall make it their business, at the visitation of the monasteries, to use all care and diligence in reforming and correcting the abuses of the several orders, and even causing offending monks to be punished, and wholesome penance imposed, according to the rule of St. Benedict, and to the apostolic institutions, and *not according to the wicked custom which has grown into a law in some churches.*" "And, *without regard to persons*, not sparing the offenders on account of their own pertinacity, or the power of their friends." "And if any abbot is not exempt, but is discovered by the visitors to be negligent, they shall denounce him to the diocesan of the place, who shall assign him a trustworthy person to co-operate with him until the next chapter. If the bishop by any chance refuse or neglect to fulfil this duty, the visitors themselves shall give information to the Apostolic See, of the fault of that bishop. It is our order that the *same rules be observed* with respect to the exempted abbots, only reserving to the Apostolic See the business of deposing them."

These were the Papal letters, issued doubtless in consequence of representations received from Archbishop Langton, and other good prelates, in 1232. And that the acts

of the Holy See supported its word was witnessed next year, when the election of John Blunt to the see of Canterbury was annulled by the Pope, because he had held two benefices without dispensation, which was never granted without good reason. Robert Grostete, the celebrated Bishop of Lincoln, was aware of these Papal letters, and yet the Anglican editor of the letters of Adam de Marisco represents the bishop as complaining of the Holy See as allowing pluralities and protecting irregularities. The monks, it is said, "shielded themselves behind exemptions purchased from Rome!"

Thanks to the Pope, the Church of England, instead of Blunt, had now St. Edmund for its primate. And a year or two afterwards, Grostete became bishop of Lincoln. A year or two after see what takes place; "King Henry III. held his court (1237) at Christmas, and sent out letters desiring all the archbishops, bishops, abbots, priors, and barons, to meet him without delay. And the nobles accordingly met on the appointed day, when William de Rall, one of the secular clergy, *who was an intimate friend of the king*, in whose mouth the king had put his own words, *rose up in the midst of them* and said: The lord the king wishes you to know that he is destitute of all treasure; he has lavished great sums in the expenses of his sister, much too has been lost in the custody of several keepers, whom he has trusted," &c., omitting to mention that he had liberally repaid himself by confiscations, and omitting also to mention that, not long before, he had a fifteenth, and not long before that, tenths of all the property in England, lay and clerical. However, he asked, and the courtly priest and prelates "cheerfully granted" a *thirtieth* part of all the moveable property in England:—to be spent, for the most part, in idle profligacy.

How differently they behaved when Christ's vicar, who, at that very time had been forced by bad men to fly from his own city, begged the contributions of his spiritual children! Then, we shall find, they were cold, sarcastic, unfeeling, contemptuous, covetous, and mean! pious men, too, behaved thus, that is, men who passed for pious men, whose sole virtue was cold morality, and whose vices were, of all the worst, pride and *avarice*.

The same year, says the Chronicler, Edmund, Archbishop of Canterbury, returned from Rome; and then we

find that the prior was deposed by the Papal legate, and that another prior being irregularly elected, the prior and the whole convent were placed under an *interdict*! Knowing the character of St. Edmund, no one could question who was in the wrong here. Soon after we hear that the archbishop had suspended the cathedral from the celebration of divine service. About the same time we find the king keeping a see vacant, to enforce the election of one of his creatures. Now, mark what follows: (A.D. 1240) This year, Edmund, Archbishop of Canterbury, procured a privilege which was most welcome to the priesthood, that if a cathedral church was vacant six months, having lost its pastor, the vacancy should be provided for by the archbishop of the diocese. But, because this appeared to redound to the prejudice of the royal dignity, (as the king liked to have the power of keeping sees vacant in order to plunder its revenues, and coerce the Holy See into the acceptance of one of his nominees,) "it was subsequently annulled; on which account the archbishop, when he saw all his labours wasted, grieved inconsolably, and began from that time to think of going into voluntary exile," as St. Thomas and St. Anselm had done before him, and as he had to do ere long. Now observe the malignant spirit of the age! The rescinding of the decree is absolutely ascribed by the monkish Chronicler to *bribery of Rome*! The reader of his own Chronicle can scarcely fail to see that these tyrannical Norman sovereigns, who cared little for spiritual censures, enforced to a great extent their own will, simply by threatening to deprive the land entirely of the benefits of the Church. What could the Pope do but issue an interdict? And that hurt the innocent millions, and alarmed not the haughty tyrant, so long as he remained alive and well.

The obstinate absurdity of ascribing to the Holy See all the evils in which they were compelled reluctantly to acquiesce, or at least to watch in silent anguish, is the fallacy which distorts most modern views of history, and as it misled the Catholic chroniclers of that age, we can hardly wonder at its leading astray their modern Anglican editors. The truth is, that the Pope, in the middle ages, was nearly powerless in the hands of princes. If they were "ages of faith," they were far more ages of force. And it is impossible to quote too often the remarkable phrase of Mr. Froude, which is the key to mediæval his-

tory, that the authority of the Pope was but a *name* and a *sham*.

It is absolutely painful to a Catholic to read these monkish chronicles, and see the scornful, slanderous, malignant spirit, which they breathe towards the Holy See, and the reckless way in which they blurt out their ignorant stupid calumnies against venerable and almost sainted pontiffs. Thus, Mathew of Westminster cannot mention that the Pope had employed his good offices to reconcile the Bishop of Winchester to the King without adding this wanton sarcasm. "And in return for this paternal solicitude, the Bishop is said to have paid our lord the Pope more than 6,000 marks, and our lord the Pope, that he might not be accused of being disdainful, is said not to have refused one penny of the money." It was Innocent IV. of whom this senseless slander was written! The cause of this ebullition of spleen might be suspected by any one acquainted with mediæval history; it was simply this, that a little before a Papal Legate had visited England, asking from its paupered priesthood and prelacy, a little aid for our lord the Pope, and claimed to give away a few vacant benefices.

This had evidently rankled in the monk's mind. Immediately afterwards he breaks out again. "As a rich prebend at Salisbury was vacant, the legate, a diligent searcher out of such things, laid his greedy and hooked hands upon it, and, against the wish of the bishop, gave it to a nephew of the Pope's;" whereas the bishop had rather have given it to a nephew of his own. And, of necessity, it must have been given to somebody's nephew; and could not have been given to the nephew of a better man than the Pope, nor probably to a better man, even if it were given to the Pope's nephew, which very likely is as false as a good deal else in the Chronicle, and as false as what follows: "And in a similar manner the unwearied Master Martin" (the legate) "conferred other benefices on the kinsmen of the Pope, of whom there were an *astonishing number*." No doubt, if all were so whom the English clergy called so; we venture to say that the Pope scarcely ever gave away a benefice any where to any one, but to one who was called his nephew or his kinsman. The phrase is so common in mediæval history, that it would amount to a joke were it not for the malignant spirit which it indicates. For, in truth, the Pope must have had an

astonishing number of "nephews" and "kinsmen" to make up the number imputed to him. National jealousy, sordid avarice, wounded pride, and wretched envy; these bad passions were the source of such envenomed calumnies; and they all break out in the next passage in which the Chronicler no doubt expressed the feeling of too many. "Many people believed, and because they believed, hoped, that the Roman court having been so repeatedly chastised by God, would in some degree check its accustomed avarice. But, the Roman Church, laying aside all shame, ceased not to extort revenues in an unwise manner; therefore the murmur which had been long conceived and suppressed in the hearts of the English, now burst forth, and men were not able to contain themselves any longer." Why? Simply because the Papal legate had given away a few benefices to good and deserving men, instead of letting depraved laymen give them to their relatives or courtly prelates, to place them at the disposal of their patrons! "The nobles said it was not the intention of their predecessors when they conferred estates on men of religious orders, and other places built out of pious considerations, to give them merely to be distributed at the *Pope's pleasure among Italians.*" At the Pope's pleasure! The pleasure of the chief Pastor, of Christ's Vicar, who was the pastor of every Christian soul in the country, and personally responsible for the state and condition of every benefice and every diocese in the realm! Here we see the very spirit, almost the very words of the atrocious statutes passed in the next reigns, and which left little for Henry VIII. to do, but simply to carry them out, as indeed he literally and really did. How strange to find the very sentiments of his statutes in the monkish Chronicles of mediæval times! Yet so it is. We have cited them to show it!

Of Henry III., the Chronicler records that, "in 1246, he caused proclamation to be made that no prelate or priest should pay any obedience to any papal mandate by contributing assistance to the Pope." "And it was greatly hoped," adds the monk, "that the King would persist." And when in 1254 there was a papal decree issued for the contribution, and the Bishop of London was appointed by the Pope to carry it out, the treacherous prelate did his best to frustrate it, for the Chronicler tells us that he spoke of it publicly as the "terrible imposition," and "excited

all who heard him to amazement and grief;" and then came a knight and also one of the secular clergy (alas! the Church never is wanting traitors!) strictly forbidding, in the name of the King, any one in England from complying with this execrable command of the Pope. And with this order he says, "they cheerfully complied, writing to the Pope, and reminding him of the way in which they still felt the recent wounds; only those inflicted by the *six thousand marks which Master Martin*, the Pope's deputy, had lately extorted." Just so. The clergy could not forget, nor forgive, that miserable 6,000 marks. Some two years before, it was the contribution of the whole English Church to the Apostolic See, then engaged in a trying struggle with a powerful Emperor, and almost exhausted of resources!

And the next year, when a council was held on the subject, the *bishops all absented themselves*. Even the Chronicler seems to have felt their meanness, for he lets fall this reflection: "When the stream of those (the early) days had passed by, the devotion of the faithful became lukewarm, and the affection of filial love which every Christian is bound to entertain towards his spiritual father the Pope, was impaired and lost, not without great peril to men's souls, and was, in fact, turned into detestable hatred and secret maledictions."

Next year the King wanted money, and it was complained that he had, with great prodigality, lavished and squandered the riches of the kingdom, that he seized by force everything he wanted; that he mercilessly impoverished the bishops and abbacies, &c. It is almost a comfort to find that these Norman tyrants did plunder the bishops and abbots who so grudged every aid to their Common Father, the chief pastor of the faithful, in the hour of his greatest distress. For at this very time the Emperor was waging war with the Pope, and the nobles of France were also, as the Chronicler mentions, fairly taking advantage of his distress, and conspiring against him! What the Papacy asked, was help in an absolute struggle for existence, upon which the Church under heaven depended. What the King asked was for prodigality, for wars, for vice. Yet the prelacy and priesthood were cold to the one, and servile to the other! Such was the age of Simon de Montfort, of Robert Grostete, and

of Adam de Marisco, whose "Letters" form one of the volumes before us.

What manner of man was de Montfort, who was the intimate friend of de Marisco, and of Grostete? We find that he was an impersonation of the narrow minded bigoted prejudices of the age, and that these prejudices were national and anti-papal. He quite shared, as did Grostete, all the vulgar jealousy of foreigners and contributions to Rome, which so characterized the age; when he and the barons rose in rebellion towards the end of Henry's reign, we find from the sympathizing account of Mathew of Westminster that it was not against regal tyranny so much as in support of national jealousy, that they rose. "First and principally, they waged war against all foreigners" who were chiefly papal presentees to benefices. Thus, "they arrested the Bishop of Hereford, a Burgundian by birth, in his own Cathedral, and conducted him to a castle, all his farms being given up to plunder, and the secular canons whom he had introduced, his countrymen, were seized in like manner, with him, and committed to prison." This is the man—this Montfort, who, on the one hand, is lauded as the champion of liberty; and, on the other hand (with admirable consistency) his father is considered, with reference to his Massacres of the Albigenes, as the exponent of the *papal* policy. Such are the modern views of history! Let us give another view—from the able article on *Mediæval Mysticism*.

"When in 1327 Louis crossed the Alps and assumed the empire, it was not only among licentious *fratricelli* and fanatical Begards that Louis found partizans; even the leading members of the great order of St. Francis, were seized upon by the universal vertigo of fanatical obstinacy. A portion of the Franciscan order, which had separated itself from the main body, under the name of spirituals, continued to give trouble to the Church. In the reign of John the evil became serious. Fanatical theories about property, issued in doctrinal heresies about the temporal dominion exercised by our Lord. The condemnation of the heresy only brought out more fully the deep-rooted obstinacy of the mystics. It propagated itself, to an amazing extent; in solemn chapter, at Perugia, the General of the Order, Michael Cesena, protested against the decision of the Holy See, and the most distinguished men of the order followed him. We are not surprised to see

among their ranks the hard-headed and clever Oxonian Ockham; but it is startling to find that Ubertino of Casale, the author of the first *Imitation of Christ*, should have brought into the camp of Louis his picturesque mysticism. Surely there can be no greater proof of the spiritual restlessness of the period, than the accession of such men to the enemies of the Church. If Rome could not count on the children of St. Francis, on whom could it rely? However, there had always been among the Franciscans a certain tendency to disobedience and independence."

In Capgrave's *Chronicle* we find lamentable illustrations of all this. After mentioning that Pope Honorius III., who confirmed the order of St. Francis, had sent the legate "into this land to make sees in this land," and to crown the young king: he goes on to say that a few years afterwards the Pope sent to the King and the parliament "that they should grant him this liberty in the Church of Ynglonde, that he should give a benefice in every Cathedral Church, and in every monastery that was well endowed." That is to say, that the wealthy English Church should, out of its overflowing means, contribute something to the support of that Parent See, whence she had derived the rich treasure of the faith, and which was the common home of the faithful all over the world. "It was answered in this manner, that this matter myte not be sped without consent of the patrons and consent eke (also) of the General Councelle." "So," adds the friar, with ill-concealed glee, "so was the mater fayne put aside." Well, but he goes on to say, "In the tenth year died Pope Honorius, who made grete reparacion in Rome both in wallis and in Churches." So spent the Popes their money. How did Princes spend theirs?

A little further on we have an entry about a "controversie" which "felle out" at Canterbury as to the election of an archbishop, "for summe chose Mayster Jon Blundy," and "when this election came to the Pope he cassed (quashed) it; and the Pope refused Mayster Jon Blundy, this cause being alleged against him, that he had too many benefices with cure of soules." So here we have a glimpse of the reason why the English Church did not like letting the Pope have the appointments to any benefices. The clergy were jealous of foreigners; the nobility wished to give all the benefices to their own relations. No objec-

tion to any accumulation of benefices upon English clergymen, but none could be spared for the Pope whereto he might present foreign ecclesiastics, learned and pious, who might redeem the ignorance or stimulate the piety of the national Church. But there were worse things than pluralities, as to which the friar observes, speaking of Pope Clement IV., who he says was chosen Pope for his holiness of life, "that he would never grant pluralities of benefices." There were worse things in the Church of England than pluralities, there was infamous simony. "In that same tyme the monks of Norwich chose to their bishop a man that was hight (called) Simon, because he lent them 300 marcs, of which election were made these verses,—

"Three hundred marc Simon if they make thee bishop,
With money thou tredes thy trace so Simon Simond ever was."

And now mark the spirit of the next paragraph we quote:—"In 1251 died Robert Grostete, Bishop of Lincoln. He had been at Rome and pleded for the right of the Church of Yngland under Pope Innocent. For that same Pope raised many new things of this lond, and gave the benefices without the consent of the Kyng, or the patrons, or any other. And this same bishop Robert wrot and said agaynst the Pope, and at Rome in his presens, appeled from him to the King of Heaven. Soone came he home and died. And at his death he appeared to the Pope, and smit him on the side with the pike of his cross-staff, and said thus: 'Rise, wretch, and come to thy doom.' These words heard the cubicularius, and the strok was seyn on his side, for he died anon (soon) after that." Which perhaps may test the truth of the strange statement, for the Pope (Alexander IV.) died three years after, in 1254.

It is not, however, so much the falsity of the story as the spirit in which it is told, which we desire to remark, for how strongly it confirms the view taken in the extraordinarily able article to which we have referred. The "Chronicle" of Capgrave is edited by the Rev. Francis Hingeston, of Exeter College, Oxford, who of course rather likes the friar. "It is quite clear," he says, in his *Introduction*, "that in matters of Church Government he was very far from holding extreme views. The appeal of Robert Grostete, Bishop of Lincoln, whose name is always asso-

ciated with the English Reformation, although he died long before the gradual spread of the principles which he maintained had resulted in that great revolution in the Church—from the authority of the Pope to the High King of Heaven—is mentioned without a syllable of disapprobation; on the contrary, the next sentence contains a statement that the Pope died soon after,” (which the learned editor must have known enough of chronology to be aware was untrue, but which he omits to correct,) “and a hint that this was a judgment on him for his obstinacy.” A “hint” which the Anglican editor seems to relish amazingly. “He also mentions the several instances of attempted aggression by the Pope on the prerogative of the King and the liberties of English subjects,” (to prostitute patronage and commit simony,) “in the true spirit of an Englishman, and it is impossible to doubt that he heartily approved of the false claims of the See of Rome being disputed, though he does not venture to say so in so many words. The general impression left on the mind is favourable alike to the head and heart of the writer, and calculated to inspire us with the greatest confidence in his accuracy and credibility.” And this immediately after referring to a statement wholly false, or showing the grossest ignorance of history! It is manifest what is the cause of the Anglican’s extreme admiration of the friar. Yet it has a qualification. The friar was bitter against the Lollards, and the abusive epithets he heaps on them could hardly edify the Anglican clergyman. This, however, is atoned for by his disaffection to the Pope. That is a virtue which redeems almost any fault in Anglican eyes.

The passage we have just cited from the *Introduction* rather seems to show that the Anglican editors of these chronicles fancy that the cause of the Established Church is served by the publication of them. It seems quite a comfort to them to find that the Ages of Faith were not ages of obedience; that Catholics could be disloyal to the Papacy, and priests and prelates unfaithful to their head. We cannot withhold, though we do not envy them the consolation. It is certainly a sad but unquestionable fact. And that Catholic writers need not and do not shrink from contemplating it, the perusal of the admirable article we have alluded to, and of other articles which have recently appeared in our pages, for instance, our articles on Mr. Froude’s history, might serve to show. Mr. Froude sums

up the character of the age referred to in a sentence, "The authority of the Pope was reduced to a name." Be it so. But the real import of the fact is quite contrary to what our Anglican authors imagine. If the Pope had no power he had no responsibility. And away go all the arguments against the Papacy founded on the abuses of that age. Nor is that all. For the Catholic may fairly argue that the decline of the Papal authority accounts for them all. And that is our argument.

And it is an argument which the "Chronicle" of Capgrave confirms: as also the History of the Friars. Let us see what the learned editor of the Letters of Adam Marsh says in his *Introduction*. "England, never purely inclined to Papal teaching, was more fertile than any other nation in Franciscans. The University of Oxford, distinguished during this century for the bitter animosity of its students against Papal dictation and Papal legates, is exclusively directed and ruled by these new teachers." It is curious to observe that the Anglican has reached the same conclusion as the learned author of the article on the Mystics in these pages; that the Franciscans helped to spread abroad the spirit which led to the Reformation. They sapped the Papal authority. "The clergy and nobles in the reign of Henry III., who were forming a party against the king to give free utterance to the national voice, and support the independency of the people against the Pope, were at the same time the most liberal supporters of the Order of St. Francis." How this tallies with the view taken by the writer of that remarkable article! "Out of the ranks of the schoolmen came forth the most uncompromising opponents of the Pope, as well the great assertors of Papal authority. Under their training were educated the precursors of the Reformation, as well as the ablest of the reformers themselves. For Englishmen the whole subject is replete with unusual interest." No doubt. And it has more bearings than one. The "Reformers," as they were called, acquired their intellectual power in the bosom of the Church they reviled. "The very men who in later times were launching their severest sarcasms against the schoolmen, had been trained to their freedom and vigour of mind by the men they had learned to despise."

Among these schoolmen the most distinguished were Franciscans, and among these one of the most illustrious in his time was Adam Marsh, whom Mr. Brewer tells us

in his *Introduction*, was the first of his order who read lectures at Oxford, and was an eminent instrument in the formation of that school, from which proceeded the most celebrated of the Franciscan schoolmen,—Peccham, Archbishop of Canterbury, Duns Scotus, and Ockham. He was intimate with Grostete, and the most powerful courtiers of the day—Richard of Cornwall, Simon de Montfort, the king's brother and uncle.

"The intimacy between Adam de Marisco and the two great reformers of the reign, Bishop Grostete and Simon de Montfort, as shown in these letters, would lead us to expect that Adam de Marisco shared in their sentiments on the great political and religious questions which agitated the reign of Henry III. He was loved and trusted by both; by both he was assiduously consulted. With Grostete he never ceased to insist on the necessity of firm resistance to the secularizing spirit then rapidly invading the Church, and grasping its temporal possessions. Popes and kings, prelates and barons, disunited in all other respects, were united in this." There is here a strange confusion of ideas. Depraved princes and holy pontiffs, both asked benefices for their friends. "In that respect they were united." Yes, but the difference between them was just as wide as between heaven and hell. The friends for whom rapacious princes asked benefices, or grasped the temporalities of the Church, were hungry dependents and servile courtiers. The men whom the Popes desired to prefer, were men of learning and of piety, whose example and whose labours would tend to elevate and sanctify the Church.

We have seen how little power the Popes had over its preferments. All the abuses of the age are leagued together, however, and thrown upon the Papacy. "Boys of twelve years old were thrust by the Popes into the most responsible livings in England." A gross misrepresentation, as regards the Popes. The only colour for the charge is, that sometimes, at the urgent instance of the sovereign, the Pope would consent that a benefice should be reserved for some scion of the royal house, the only alternative being, that the monarch would seize it with his own hands, and probably, in revenge for refusal, do some worse mischief to the Church, *the Popes having no real power at all over the English benefices*, as the learned editor must know, seeing that the very work he has edited con-

tains many proofs of it, and Mr. Froude, in his history states, that at this period the papal authority over the Church in England was a name. The 'Chronicle' of Capgrave contains, as we have seen, many entries showing that the Pope could not obtain the bestowal even of "one benefice well endowed" in every cathedral. All this was forgotten by the learned editor, when he penned that fine sentence about the Popes disposing of English benefices. "Non-resident rectors received the fruits of benefices they had never seen, and hardly knew in what countries they stood." We have seen, in Capgrave's Chronicle, some proofs that pluralities and other evils arose from the abuse of lay patronage, and that the Popes were continually remonstrating against them. "Greedy courtiers surrounded the throne, gaping for the temporal wealth of the Church, and striving by every artifice, every act of servility, to enrich themselves at the cost of the poor." And Adam Marsh, and his friend Grostete, were the intimate friends of the chief courtiers of their day, just as Wycliffe, in the next century, was patronized by princes and by peers. There was this suspicious mark about the piety of these "reformers," that they were greatly attached to the patrons of benefices, who had a common interest with them in resisting papal nominations. Grostete and his friend Adam Marsh, were as eager as any others in endeavouring to obtain preferment for their friends, and one can easily imagine how they would feel at their being conferred on strangers even worthier. And as to the "greedy courtiers, gaping for the wealth of the Church," why they were the very class of men whose rights as patrons of Church benefices were supposed to be infringed upon by papal nominations; and we ask—and we have answered the question out of the works of Protestant authors—whose presentations were likeliest to be worthy? those of greedy courtiers or of holy Pontiffs? The complaints which the Anglican editor ascribes to Grostete, and the English prelates who shared his feelings, (as most of them did,) are ludicrously inconsistent. For example, they were ever ready, as the editor himself points out, to join with the "courtiers" and other nobles in upholding against the Pope, the chief pastor of the Church, the right of lay patrons, the great source of all the evil they complained of. "Grostete had to pass constitutions that his clergy should not haunt taverns, or play publicly at dice or

engage in drinking bounts, or hire out their services for mass in noblemen's halls, among dogs and polecats, drunken flunkeys, ribald minstrels, and all sorts of abominations." Well, but *who ordained these men?* The bishops, most of whom were of royal, not papal nomination, and shared the feelings of Grostete against papal intervention. It would have been impossible to indite a heavier condemnation of a national episcopate, or of royal patronage.

And when the Anglican editor talks of vicars "ill-educated," as "thrust in" by the monks into benefices, of which they had the presentation, he imputes to the monks what is certainly not generally true, as regards them; but as notoriously and very generally true as regards the lay patrons; and what is more important, he omits to mention, what surely he must be well aware of, that the popes were continually complaining of the presentation of ignorant priests by the lay patrons, and that many instances are recorded of papal authority compelling "ill-educated" priests to submit to instruction. And it was precisely because the local patronage was so abused that the popes sought to exercise the right of presentation, which is inherent in the very office of chief pastor; and as we have shown from Protestant testimony, was always well exercised by them. We repeat, the complaints which the Anglican editor ascribes to his hero Grostete, are inconsistent, sometimes absurd: and betray the grossest ignorance.

"In vain he denounces the scandalous lives of monks and clergy; they set their diocesans at defiance, and shelter themselves behind exemptions purchased from Rome." Exemptions from what? and for what? Exemptions for the clergy from the superintendence of their diocesan? For what? To hold pluralities? To live scandalous lives? Is the Anglican editor serious? As we have already seen, the pontiffs rarely, if ever, granted such exemptions, and never, we will add, but for grave and sufficient reasons. As to the monks, no need had they to purchase exemptions from episcopal control, as they had superiors of their own; and if the bishops could not control them, the abbots could. And if they did not—why not? To answer that question, we must ask another—who nominated them? Which is a question that must be answered very much in the same way as a similar question with regard to the bishops, viz., that for the most part they were of royal, not papal nomination. And now mark, the very men who,

like Grostete, most complained of all these acts, were most violent in maintaining the royal power and the rights of lay patronage. "Bishops engrossed in the secular occupations of Chancellors, judges, or ambassadors." Well, but why omit to mention that the popes were for ever complaining of this, and that it was by the royal, not the papal will; insomuch that the great quarrel with St. Thomas began by his resigning the chancellorship; and the last of the statutes of "*præmunire*" passed under Richard II., complains of our "Holy Father the Pope," for his translating English bishops in order to remove them from "state-offices?" Then, lastly, the Anglican editor complains, in the name of the English bishops of that age, that they were thwarted in their attempts to enforce discipline by the conflicting jurisdiction of king's court and papal court, which if it means anything, means that the king's court and the papal court contended with each other, as to the jurisdiction over the clergy, which is altogether without foundation; for the episcopal courts had undisputed cognizance of the offences of the clergy against good morals.

It is only our acquaintance with contemporary history (of which we have given some glimpses) which can enable any one to appreciate the ineffable hypocrisy of some of these complaints which are put into the mouth of Grostete either by his correspondent Marsh, or by his Anglican Editor. For instance, take Letter xxvi. of "Brother Adam to his Lord of Lincoln," of which the Editor gives this as the marginal note: "Rejoices that Grostete resisted all undue presentations to benefices," and in which occurs this passage: "*O quam feliciter amplectendum video illud litteræ vestræ, videlicet quod vestra in hac parte, hoc est in liberandis ammassibus, non solum reddit vos religiosis et præsentatis ad curam animarum admissis, sed etiam pluribus coepiscopis vestris militibus et magnatibus præsentantibus et Domino regi et etiam Curie Romanæ, odiosum;*" whence we see, that the mediæval monks and prelates, impious enough to dispute in the chief Pastor of the Church, the power or the capacity for exercising the right of presentation, from revenge for that right being exercised against their will, did not scruple to couple Christ's Vicar with abuses rightly enough charged against tyrannical princes, truculent ferocious barons, ruffianly knights, or other truculent laymen.¹

And to understand this thoroughly, we must remember that these letters contained ample evidence that the Bishops and the Friars were as eager to get livings for their friends as any one could be, and that Grostete caused, on some occasions scandal, by the eagerness with which he grasped them.

It may seem a strange and startling thing to say, but that it is so these old Chroniclers show, that there was as bitter a feeling against Rome abroad in this country in the age of Henry III. as of Henry VIII., and that intrigues as horrible against the Holy See and its adherents, were perpetrated in the one reign as in the other. Read, for instance, in Mathew of Westminster, A.D. 1260, "A prebendary of St. Paul's, dying beyond the Alps, the Pope immediately bestowed the prebend on another;" (according to ancient usage, by way of papal "provision" or "presentation," as it was called). The King not being aware of this, conferred the stall on the Lord John de Crakehall, his treasurer. When this was heard, a procurator, one of the secular clergy, was sent into England with writings from the Pope, to support the papal collation. And the Archbishop of Canterbury, deciding on the case as he was ordered to do, ascertaining at length that the papal donation preceded the King's appointment in order of time, by his formal sentence, adjudged the prebend to the Roman before mentioned" (in that sneering tone the monkish Chroniclers speak of papal presentees) "who after he was installed, endeavoured to take possession of the principal mansions attached to the prebend in the city; but he was denied entrance, on which account, yielding to violence and arms, he withdrew. And they who occupied the house seeing this, presently followed him behind, and some one among the crowd of passers by, clove his head in two between the eyes, and escaped without being arrested by any one; and a companion was treated in the same way, while the slayer escaped;" and although "an investigation took place, the *criminal could not be discovered.*" The Chronicler adds, that some person supposed that this had been procured to be done by the treasurer; and the circumstances of suspicion are tolerably strong, seeing that it seems pretty plain that *the persons who came out of the prebendary house (of which the treasurer had the possession) did this horrid deed of blood.* What an idea this incident gives us of the character of the age, and the

popular feeling towards Rome, especially as it seems to have passed without much sensation; and the Chronicler records it without any particular horror, coolly observing that it was done "by some envious rascals, for the English were indignant that so many Romans should be enriched with English benefices." Whoever the "envious rascals" may have been, they must have been candidates for *Church preferment*, or they must have been imbued with the envious spirit of those who were so, a spirit of which the volumes before us, and the letters to Grostete, afford abundant evidence. And it is worth while observing that in the Letters of his friend the Friar, de Marisco, there are two or three addressed to this very Crakehall as his intimate friend, of whom Mathew mentions that he died the next year; that he was archdeacon of Bedford, and that he *left eighteen thousand pounds untouched behind him*. Such were the avaricious men who resisted papal nomination to benefices, and inspired the people with hatred of Rome.

It is very sad, but at the same time very salutary to see in the letters of a Friar, in that age, such complaints as they contain, of the character of the clergy and the prelacy; sad of course, to a Catholic mind, but salutary, not the less, to be impressed with the vast importance of an episcopacy appointed by, and faithful to the Holy See. The Friar laments that in that age it was difficult to find good bishops, and still more so to find good priests. It is important that Catholics should know this, *and know the reason why*. Not to know it is either to betray ignorance or want of candour; when Protestants made aware of it by writers like these, reproach them with the fact; not to know the reason is to be in danger of finding a scandal or a stumbling block where really there is only a support to faith. It is only half-truths that are dangerous, the *whole* truth is never so. It is true that the clergy were, too many of them, unworthy in that age, and that the prelacy were worldly. But why? Because the King virtually, or usually, appointed the bishop, and the bishop, of course, ordained the clergy. Worldly bishops would be careless in the exercise of their sacred functions, and a courtier prelacy produced a tepid clergy. The English clergy were not, as a body, immoral, but they were, beyond a doubt, slothful and unspiritual.

"The language of the friar is fearfully strong: "Quid

tristius his diebus pessimis aspicitur, quam quod cum mundus plenus sit clericalis professionis, hominibus post disquisitiones quamtumque sollicitas diutissime quæsitis, vix reperitur quem pontifices utcumque tolerabilem ad adiutorium operandæ salutis valeant assumere." The same volume which contains that passage contains others, in which papal presentations are spoken of as presumptions to be resisted, and contemporary chronicles afford abundant proof that they were resisted, and that the Pope had no power to appoint even the bishops; so that, in Mr. Froude's phrase, his 'power was a sham.' That being borne in mind, the unworthiness of the clergy, or the worldliness of the prelacy, in that and after ages, became powerful arguments for the importance of allowing to the Papacy that control over the Episcopacy which was decreed to it all through the Middle Ages, and to the want of which a Catholic writer has a right to ascribe all the abuses which are attributed to the mediæval Church.

Here is a picture of mediæval England from Mathew of Westminster. It is in the reign of Edward I., of whom, in the reign of Edward III., Thorpe, Chief Justice, told with such gusto the story, how that the then king's grandfather, when a man brought a papal bull into the land, would have had him drawn and quartered. We can well believe it, reading the story as follows:—The king as usual wanted money, and summoned the clergy to demand it. They were in mortal dread of the king. The Dean of St. Paul's, says Mathew, "coming to court in the hope of softening the disposition of the monarch, and coming before the king to deliver the speeches which he had conceived in his mind, became suddenly mute, and losing all the strength of his body, fell down before the king and expired. But as the king passed over this with indifference, and persisted more vehemently in his demands, it was still uncertain how much every one was to pay to the king. At last a knight rose up in the midst of them, and said: 'My venerable men, this is the demand of the king; the moiety of the annual revenue of your Churches! And if any one objects to this let him rise up in the middle of the assembly, that his person may be recognized and taken note of, as he is guilty of treason against the king's peace.' When they heard this all the prelates were disturbed, and immediately agreed to the king's demands."

Here is a scene from Capgrave, quite of the same

character. "At that time (A.D. 1315) came into England two legates. As the manner of Romans is, they ride with great solemnity into the North country, for to make Lodewick Beaumont, Bishop of Durham, against the election of the monks, who had chosen another. And though they were warned that they should not come there, yet they rode till they came to Darlington. And sodeynly out of a vale arose a grete people,—Capteyns Gilbert of Mydleton and Walter Selby. They laid hands upon them, and robbed them of all their treasure, and Lodewick, whom they intended to make bishop, they led to a town called Morpeth, and compelled him to make a grete ransom. Then came the cardinals to London, and asked of the clergy 8d. in the mark," i. e. so much per mark of their annual income as a compensation for the loss suffered in the robbery. Now observe the quaint humour of the answer, as recorded by the old Chronicler. "They were answered that they *gave them no counsel for to go so far north.*" It is very plain that the sympathies of the English clergy were not with the legates, and it is obvious that the robbers were gentlemen, and men of such a rank would hardly have so acted, unless secretly incited by men still higher. Knowing that, one is half sorry to hear, that next year "Gilbert of Mydleton" was hanged in irons for the robbery. He suffered simply as a scapegoat.

But the most remarkable thing is, that the statute against the Lollards, which passed about this time—in an age when, as we see, the parliament wanted to plunder the Church, and the King had not long before slaughtered the primate—is ascribed by modern writers to a Papal policy, and the odium of it is cast upon the Papacy! The Holy See was at that time, as indeed all through the middle age, engaged in a deadly struggle with the German Empire for very existence, and had not influence enough to prevent an English monarch from cruel murder, such as that of Archbishop Scrope. And yet it is deemed responsible for English legislation! The Chronicler himself, whose tone is sufficiently anti-Papal to please his Anglican editor, fully conveys the policy of the statute against the Lollards, when he records that they set up bills on the church doors, in which it was contained that a hundred thousand were ready to rise and destroy all that would not consent to their opinions, which savoured strangely of Socialism. In truth, like the Albigenes, they resembled the ancient

Manichees, and they were "levellers" whose wild views were fatal to society. The statute against them had nothing to do with zeal for religion, but was rather a law for the rights of property, and it were as reasonable to reproach Mahomet with it as the Papacy.

"In this year (1403) there was a grete Parlement at Coventry, in which the King asked a grete summe of the people. And the Speaker answered that such summes could not be raised so often from the people unless the Church should be deprived of her temporalities." This answer was given by Sir John Cheney, speaker. "And no wonder that he was an enemy of the Church, for he had before taken the order of subdeacon, and without dispensation aspired to the state of wedlock, and eke to the degree of knighthood. The Archbishop of Canterbury rose and said: 'Now see I well whither thy malice tendeth! Thou renegade and apostate of thy order, thou wouldst put the Church underfoot! But while this head stands on this body, thou shalt never have thy intent. Remember thee well, that at every tax the Church has paid as much as the lay fee. And all your business is for to gather to make yourself rich. But know this for a truth, that land shall never endure in prosperity that despiseth Holy Church.' Then said the archbishop to the knytes: 'Ye have stirred the king to eschete all the temporalities which belong to the French monks in the land, and though the value of them came to many thousands, the king is not amended thereby half a mark of the year. For ye among you have it, and dispend it for your pleasance!'" An apt description of what happened afterwards, under Henry VIII., of which indeed the prologue had been performed on this very occasion. So long before did coming events project their dark shadows on the English Church.

The course of those times was servility to royalty and disregard of the Papacy, and that fact is the key to their history. Thus of Capgrave, the monkish chronicler, his Anglican editor tells us, his great patron was Humphrey, Duke of Gloucester, of whom Coke records with such zest, that when letters came from the Pope touching the wars against France or Scotland, "Humphrey, Duke of Gloucester, put them in the fire." The duke cared about as much for the Pope as Simon de Montfort, the bosom friend of Grostete. Now, observe how servility to royalty, and rebelliousness towards Rome, always go together, the one

sin being in reality the crown of the other, or rather the self-same sin causing both,—a regard for self, for self-interest, for that self-will in which, (as regards the pope,) prelates and princes had a fellow feeling which sometimes made them wondrous kind. Our Anglican editor says of Capgrave, “We must mention one particular in which he has allowed circumstances to warp his judgment, and tamper with facts; we allude to that servile mode of addressing and speaking of the reigning sovereign, which has led him, at least in one notable instance, to be guilty of contradicting himself. The ‘*Liber de Illustribus Henricis*,’ dedicated to King Henry VI., contains so glowing an account of the virtues of Henry IV., as to leave no doubt on the reader’s mind that the author acknowledged his right to the Crown, or at least thought proper at that time to do so for his royal patron’s sake; whereas, in the dedication of the present Chronicle to King Edward IV., he says: “He that entered by intrusion was King Henry the Fourth; he that entered by God’s provision is Edward the Fourth.” This is a specimen of the spirit of the times, and still more illustrative of that spirit of servility to royalty which characterized the Reformation. The slavish adulation of the monarch, which took its rise about this time, ripened under the Tudors into the fulsome flattery which debauched the national character, and that disgusting idolatry which, under the last Stuart, absolutely degraded it by the application to a most ignoble wretch, of such epithets as ‘dread,’ ‘sacred,’ and ‘majesty,’ which, until then, had been reserved for the Deity.

As we advance towards the Reformation, we see the spirit of slavery stealing over men’s minds, taking its origin from a servile worship of the *visible*, embodied in an earthly sovereignty. This is infinitely more observable in Capgrave, than in earlier Chroniclers, while at the same time his Chronicle is infinitely inferior to theirs in fulness and in interest. The old English vigour of intellect and character, was becoming palsied beneath the heavy chilling pressure of regal tyranny, and losing all its elastic energy and racy heartiness. Capgrave’s Chronicle is a poor bald miserable affair after the older ones, not to be compared with them for fulness and freshness. And it is characteristic of this country that many years after private enterprise had given us the earlier and more valuable

Chronicles, the government should furnish us with such very tardy and very inferior contributions. There may be better things however in store for us, and we are grateful for the effort, late though it is, and for the spirit in which it has been undertaken. In truth, these Chronicles, taken altogether, throw a clear, strong light upon our English history; and the more that light is diffused, the more apparent will it be, that all the abuses in the Church in that age arose from servility to royalty; and from the *virtual* subjection of the episcopate to that spirit of the world, which was afterwards *formally* embodied and enthroned, and still is so in the Royal Supremacy; in other words all these mediæval chroniclers are witnesses for the Papacy.

NOTICES OF BOOKS.

I.—*Knights of St. John*; with the Battle of Lepanto and the Siege of Vienna. London: Burns and Lambert.

The story of the Knights of St. John, in its general outlines, is familiar to every reader of history, and it is one of those which possess an interest almost independent of country or of creed. Even Protestant historians have forgotten in the chivalry of the soldier the religious characteristics of the monk; and the Knights of St. John have had their full share of the glory of defending the successive outposts of the almost hopeless cause of Christendom against the fierce and fanatic infidel invader. But there are details in the history of this and the other military orders, to which none but a Catholic writer can do justice, and which none but a Catholic mind can fully understand and appreciate.

The beautiful volume now before us is at once a most picturesque sketch of the romantic phase of the history of the Order of St. John, and a clear philosophical survey of its bearings on the great cause of civilization and religion, and it never loses sight of the beautiful lesson of peaceful Christian virtue which, even amid the din of battle and the clash of arms, the story of the soldiers of the cross carries home to every well-instructed Catholic. There is not one of Messrs. Burns and Lambert's

popular histories for which we anticipate a popularity more general and lasting, than this most careful, spirited, and thoroughly Catholic narrative.

II.—*The Holy Ladder of Perfection, by which we may ascend to Heaven.* By St. John Climacus, Abbot of the Monastery of Mount Sinai. Translated by Father Robert, of Mount St. Bernard's, Leicestershire. Richardson and Son, London, Dublin, and Derby.

It is particularly gratifying when the members of our old contemplative orders place such works as the above in a form accessible to pious Catholics generally. Few occupations are more in harmony with the spirit of the old orders, whose very names are associated in our minds with devout meditations and that practice of perfection which is its result. Moreover we believe that this is not the first time that we have had to thank good Father Robert for his literary services. Of the great work of which this is a translation, we need only remark that it is simple and eminently practical, and (as Father Robert justly observes) hardly less adapted for devout persons in the world, than for the favoured inmates of the cloister. The translation appears to be carefully and creditably executed; and the little book (which is nicely got up, and has an appropriate frontispiece) is dedicated to the translator's diocesan, the reverend Bishop of Nottingham.

III.—*Antoine de Bonneval; a Story of the Fronde.* London: Burns and Lambert.

This is a work of very great ability, although there are defects in its construction, which it has in common with many others of the class. The hero, Antoine de Bonneval, is the heir of an old French family of country noblesse, he is appointed to a lieutenancy in the Royal Guard, and the story opens with his departure from the feudal castle where he has been tenderly and religiously trained, in order to join his regiment, and take a part in the stirring scenes going on in Paris. We have said this is the commencement of the story, but it is preceded by an able, though biassed, account of the policy of Richelieu, and of his successor, and of the state of parties and politics in France at that unhappy period. As may be supposed, the hero, though pleasantly enough described, is in fact but the means of bringing before the reader various illustrations of these times. He is waylaid by robbers, and from

their hands rescued by the great St. Vincent de Paul ; he appears at the court, and meets in society Mme. de Sevigné, Bussy, the Abbe de Rancé, and other notabilities of the period ; he assists at the escape of the Queen Regent and the young king to St. Germain ; is then sent as their emissary to Paris, where, with singular *gaucherie* he suffers himself to be instantly trepanned into the Bastille, from whence he is speedily delivered, in a very inartistic manner. His spiritual adventures are full of contrasts equally violent, as he is alternately tempted by the wickedness of Paris, and saved by the interference of the holy Vincent, who is continually introduced engaged upon, and influencing others to works of charity. At length the young man, flinging away the relic that he wore, seeks to know, and does in fact behold, the scenes of his past and future life in the den of Battista Somelli, a professor of occult sciences. St. Vincent comes to his rescue, and he passes immediately into the Hospice de St. Lazare, where, somewhat needlessly we think, the reader is made to follow him through the spiritual retreat of St. Ignatius, and to this Hospice the hero finally retires. Unable to overcome the temptations of the world, he flies from them and becomes a monk, and renders the last duties to the erring associate, who had so often led him wrong in the commencement of his career. We have said thus much of the story to show what rich materials it offers to the pen of a really thoughtful and able writer, and one who is well acquainted with his subject. The fault is that too much has been attempted, nothing is fully developed or finished ; we have a succession of scenes ; some of them as, for instance, the evening reunion of great people, are clever but too laboured ; others, again, have a fantastic unreal air, as, for example, the necromantic performances of Somelli ; the greater part are spirited and well written. Wherever religion is introduced, the author's correctness and feeling are admirable. We will conclude by extracting a little incident, which we have selected chiefly for its pleasing character. Two splendid, ponderous court carriages have met at the corner of one of the narrow streets of Paris, (at that day,) and their wheels are locked, and their six horses apiece are mixed together in confusion, more "direly confounded" by the notions of dignity and precedence of their respective coachmen. These carriages belong to Mme. Legras and the Duchesse de Longueville,

at a period preceding the conversion which afterwards rendered her so celebrated and saintly a character. The two ladies exert themselves to restore peace, and then slightly renew a long suspended acquaintance. The narrative proceeds as follows:—

“Long before we have completed our sketch of two characters thus brought into strange juxtaposition, and while they were exchanging some few words of courtesy, the lacqueys, on their part, with hearty good will, now that peace was restored, had succeeded in disengaging the cumbrous vehicles, and all was in order for their continuing their respective routes. At that moment the low wailing of an infant, awakened probably by the jolting and various other rude noises attending the accident, was heard from the coach of Mme. Legras. There was a movement of surprise, and some curiosity, among the party, at a sound so unexpected. The lady turned, with one of her bright smiles, and calmly said, in a tone of affectionateness that thrilled upon the ear, ‘Hush, little one! is it for thee to disturb with unseasonable complaining a peace so happily established?’ Then addressing Mme. de Longueville, in a tone that reached her only, she continued, ‘Ah, chère Amie, if I may still call you so, the time has been when I could have asked you with so much pleasure to come with me and visit our house of foundlings in the Port Saint Victor! It is thither I am carrying this poor little creature, whose first experience of a miserable world is to be abandoned by nature in order to be adopted by grace. Let me not detain you any longer from your airing. But may that good time come again. Yes, dear Lord, may it come soon!’ added she fervently; and, as she raised her face to heaven, the tears fell over her worn cheeks. ‘Onward, sirrah!’ exclaimed the Duchesse, conscience-startled, and venting the anger of her self-reproach upon her luckless charioteer, as she bowed her adieu to Mme. Legras. The coach swept majestically by at a long trot. ‘Au revoir, brother,’ muttered the coachman of the latter lady, in a subdued growl, which reached, however, the person for whom it was intended, ‘and next time we meet remember to keep thine own place, and not accuse other folks of getting out of theirs.’ ‘And if I do not make my whip curl round both thine ears, thou varlet,’ returned the rival Jehu in renewed ire, and shaking aloft the threatened instrument, ‘thou mayest call me the driver of a market cart in Britany!’ So parted, with gestures and intonations worthy of a place in the Iliad, the incensed and reluctant charioteers, each upon his way. ‘Sister Marie Pauline,’ said Mme. Legras, turning, as her carriage proceeded, to the Soeur grise, or religious of the Order of Charity, established by Vincent de Paul, not only in Paris, but in many of the provincial towns of France, who was seated by her side, with the foundling infant in her arms, ‘Do you not remember

those few words of our dear Father when he assembled Madame of Miramion and some others of us in the church, to plead the cause of these deserted children? You were there I think? And I could not help half quoting them just now to that unhappy lady."

"'Imperfectly I remember them, Madame,'" replied the staid and humble religious. 'Fi donc!' returned the lady playfully; 'such words are not spoken every day, and should be treasured in our memories. I see him now before me,' continued she with earnestness, and clasping her hands together, 'the light streaming upon his venerable white hair, and surrounding his countenance with a halo which it needed not, for there was a radiance on those features that seemed caught as a reflection from the unearthly glory. At his feet lay several of the foundlings who had been received into the hospital of the Porte Saint Laudri; others were in the arms of the Sisters who surrounded him. The sobs and plaints of these little unconscious sufferers were already enough to move our hearts; nor was it needful to enter into details of the horrors to which they were too often subjected, and which were well known to many of us. I think, Sister, of these unoffending ones, these frail tabernacles of immortal spirits, being exposed in the cold, in the night, on the steps of street-doors; as an alternative on the other side of which was murder, and murder without baptism! Think, I tremble to repeat it, of their being sold for twenty sous to the first bidder; sold to those from whom they were to draw, not nourishment, but contagion and death: sold even,—"she paused, and went on with an effort,—'for inhuman and magical operations, or to furnish such a sanguinary bath as the heathen emperor meditated, a direful unholy cure for the leprosy where-with heaven had smitten him!' The religious simply closed her eyes with a thrill, and pressed the little one who had been rescued from such a fate, more closely to her bosom. 'Then it was,' continued Madame Legras, 'that the apostolic old man rose up in the midst, and, with a manner, simple, yet awful in its dignity, pronounced the few words from which sprang to life our house for foundlings. 'Look to it ladies,' cried he, 'whether you also in turn will abandon these little innocents, whose mothers you have become in the order of grace, after their abandonment by their mothers in the order of nature. Cease for a moment to be their mothers, that you may become their judges, their lives and their deaths are now in your hands. I am going to take the votes. It is time to give sentence upon them! Ah! who could withstand such an appeal, uttered by one so holy, and with the evident power of Him in whose name he speaks every word?' 'Blessed are they, Madame, who say and do all things for God,' was the simple aphorism of the Soeur grise. 'On, on! faster, faster!' impatiently exclaimed Madame de Longueville, already half a mile beyond the Porte St. Denis. Her coachman urged his horses into a hand-gallop, a cloud of dust reeked up from the road, and vollied round the

carriage, fit emblem of the trouble and confusion that reigned in the breast of its occupant. 'Faster! faster!' she still murmured; 'and yet, to what purpose?' She sank back again. 'Who can fly from their own thoughts, from their own wounds? It is *here*, it is *here*;' and she clasped her hands, to press them convulsively upon her aching bosom."

IV.—*The Catholic Almanack, and Guide to the Service of the Church, for the year of Grace 1859.* (Cum permissu Card. Archiep.) Richardson and Son, London, Dublin, and Derby.

The extended circulation of this Almanack, renders it necessary that it should be published earlier than formerly, and hence it is that we have to notice it at the present period of the year. This publication, we observe, is brought out each year with increased care and regard to the needs of the Catholic body, and with the approbation of the highest ecclesiastical authority; and its contents are this year particularly useful and interesting. Besides the calendar, and the usual ecclesiastical and civil notices, we have a page on the Ushaw College Jubilee. There is an interleaved and illustrated edition which may be had at the cost of a few pence, and another in the pocket book form, which is somewhat higher in price. But the penny edition contains the same matter as the others; and when we look at the amount and character of the information which the publication possesses, we are not surprised at the reputation we are happy to hear it has acquired.

V.—*Merope: a Tragedy.* By MATTHEW ARNOLD. London: Longman Brown and Co. 1858.

Upon this Tragedy, the author has bestowed care, thought, scholarship, enthusiasm; and the result is worthy of the pains. In his preface, Mr. Arnold expresses his intense admiration of "Greek art, the antique, classical beauty." "So immortal, so indestructible," he says, "is the power of true beauty, of consummate form: it may be submerged, but the tradition of it survives; nations arise which know it not, which hardly believe in the report of it; but they, too, are haunted with an indefinable interest in its name, with an inexplicable curiosity as to its nature." How many fine intelligences will respond to this sentiment. Many also will applaud the determination of the author "to try, how much of the effectiveness

of the Greek poetical forms, could be retained in an English poem constructed under the conditions of those forms; of those forms, too, in their severest and most definite expression, in their application to dramatic poetry." Therefore casting aside the thralldom of translation, and confident not only in his own powers but in the beauty of the English language, which is capable of every kind of expression, Mr. Arnold has selected a Greek Story, (one which has already been treated by Voltaire, Maffei, and Alfieri,) and taking a view of his own upon the subject, which in his preface he has ably explained and justified, he has thrown his soul into the working it up, and has produced a noble poem. Were we to suggest a criticism, it would be that the intellectual element predominates too much over that passionate strain of feeling which we look for in the modern drama; but we prefer to give a specimen of the poem, and for this purpose have extracted the description given by the exiled Prince *Æssytus* of his own supposed death.

"So he played on; then ended, with a smile—
'This region is not happy for my race.'
We cheer'd him; but that moment, from the copse
The prickers shouted that the Stag was gone.
We sprang upon our feet, we snatch'd our spears,
We bounded down the swarded slope, we plung'd
Through the dense ilex-thickets to the dogs.
Far in the woods ahead their music rang;
And many times that morn we cours'd in ring
The forests round, which belt Cyllene's side;
Till I, thrown out and tired, came to a halt
On the same spur where we had sat at morn.
And resting there to breathe, I saw below
Rare struggling hunters, foil'd by brake and crag,
And the prince single, pressing on the rear
Of that unflagging quarry and the hounds.
Now, in the woods far down, I saw them cross
An open glade; now he was high aloft
On some tall scar, fring'd with dark feathery pines,
Peering to spy a goat-track down the cliff,
Cheering with hand, and voice, and horn his dogs.
At last the cry drew to the water's edge—
And through the brushwood, to the pebbly strand,
Broke, black with sweat, the antler'd mountain stag,
And took the lake: two hounds alone pursued;
Then came the prince—he shouted and plung'd in—

There is a chasm rifted in the base
 Of that unfooted precipice, whose rock
 Walls on one side the deep Stympthalian lake:
 There the lake waters, which in ages gone
 Wash'd, as the marks upon the hills still show,
 All the Stympthalian plain, are now suck'd down.
 A headland, with one aged plane-tree crown'd,
 Parts from the cave pierc'd cliff the shelving bay
 Where first the chase plunged in: the bay is smooth,
 But round the headland's point a current sets,
 Strong, black, tempestuous, to the cavern-mouth.
 Stoutly, under the headland's lee, they-swam:
 But when they came abreast the point, the race
 Caught them, as wind takes feathers, whirled them round
 Struggling in vain to cross it, swept them on,
 Stag, dogs, and hunter, to the yawning gulph.
 All this, O King, not piecemeal, as to thee
 Now told, but in one flashing instant pass'd:
 While from the turf whereon I lay I sprang,
 And took three strides, quarry and dogs were gone;
 A moment more—I saw the prince turn round
 Once in the black and arrowy race, and cast
 One arm aloft for help; then swept beneath
 The low brow'd cavern-arch, and disappear.
 And what I could, I did—to call by cries
 Some straggling hunters to my aid, to rouse
 Fishers who live on the lake-side, to launch
 Boats, and approach, near as we dar'd, the chasm.
 But of the prince nothing remain'd, save this
 His boar-spear's broken shaft, back on the lake
 Cast by the rumbling subterranean stream;
 And this, at landing spied by us and saved,
 His broad-brimmed hunter's hat, which, in the bay,
 Where first the Stag took water, floated still.

VI.—*Lectures and Essays on various subjects.* By William Sidney Gibson, Esq., M.A., F.S.A., F.G.S., Barrister. London: Longmans and Co.

The value of Mr. Sidney Gibson's work is too well known, to leave any reasonable doubt of the reception that will be given by the public to this collection of his essays. His "Antiquities" of Tynemouth and Highgate, his "Visits" to the Northumbrian Churches and Castles, to Bamburgh, Naworth and Corby Castles, Dilston Hall, Hartlepool and Durham, are as acceptable to the tourist

as to the antiquarian; and the learning, research, good taste, and pictorial beauty of expression displayed in them, leave the author unequalled in this style of writing. In history, and in the study of nature, Mr. Gibson is equally at home; while, upon the miscellaneous subjects of which he has treated, his remarks are acute and valuable, and his style elegant. The volume now before us is a collection of twenty-four different lectures and essays; the former are now published for the first time, the latter have been collected from different periodicals. The "*Londiniana*" has appeared in our own pages. These little treatises vary in importance. Some may be considered as ingenious trifles, curiosities in literature or history, which nevertheless are well worth preserving. The "*Lecture on Poetry*," and some others, are beautifully written, while in the proposed "*Revision of the Liturgy*," and other essays of that class, the author gives his own views upon topics of the day, and they are always liberal and worthy of attention. To Catholics, Mr. Sidney Gibson is generally disposed to do justice; his principles are high Church, and he is too well acquainted with the history and characteristics of Catholic times to join in the outcry against them. On the contrary, he is not afraid, and he is well able to speak fairly of them; and for this we are the more obliged to him, as it appears that concerning Catholic ritual and devotions, even this gentleman of universal reading, is content to remain in ignorance, and to make blunders which the perusal of the "*service of the mass*" in the first Roman Missal he could have purchased at a book-stall would have saved him from. We allude to the following passage, "An old Sancte-bell still hangs in a few of our churches, in the bell-cote above the chancel arch. It received its name from being always rung at the words Sancte, Sancte, Sancte Deus Sabaoth, as the priest elevated the Host, and all who heard it knelt and offered a prayer to the Virgin."—p. 156. This is a combination of truths, which leads to an *untruth* of rather a grave character.

The bell certainly rings at the "*Sanctus, Sanctus*," but the elevation of the Host is not then. When the bell rings to announce this supreme moment of the mass, *no* words are used except the words of consecration, which we need not here quote, but which are entirely different. No form of prayer is prescribed to the laity during this solemn

action ; but, that moment, and while that bell is ringing, is probably the only time of which we might safely say that from all those kneeling multitudes no prayer ascended to the Blessed Virgin, all devotion being absorbed in the act of adoration. It would be a strange mistake were it otherwise, considering whom we believe to be then offered to our worship.

VII.—*The History of Herodotus.* Translated by G. Rawlinson, M.A., assisted by Sir Henry Rawlinson, and Sir J. G. Wilkinson. Vols. I. and II. London: Murray, 1858.

This work will be completed in four volumes, and in our judgment, will form a very important addition to our historical resources. On this occasion we shall limit ourselves to a general notice of the Work, so far as it has appeared, with a view, to the utmost of our power, of making its important contents generally known. Nor shall we on this occasion say more of the translation than that it is very fluent and readable, and, in our opinion, a great improvement on our old acquaintance Beloe. But the great attraction will be found in the notes and accompanying essays and illustrations. These volumes extend to the three first books, "Clio," "Euterpe," and "Thalia," and embrace the subjects of Assyria, Babylon, Egypt, and Persia ;—subjects which, treated by such men as Sir H. Rawlinson and Wilkinson, must lead us to expect a mine of information of surpassing interest. And such our readers will find it. Not merely are the facts which are disclosed intrinsically important, but it is not easy to imagine that any publication could more fully illustrate the principle which we have elsewhere and frequently advocated, that every real increase in our knowledge cannot fail to illustrate and prove the truths of revelation. In the present work, this view of the subject is by no means made a matter of special observation, or indeed of more than passing comment ; but, nevertheless, in almost every page we find new confirmations of the truth of the narratives of Holy Writ ; and we may fairly state that, to the best of our observation, there is scarcely a topic of the kind which is touched upon without some supposed difficulty being cleared away ; and in the very few cases where any difficulties remain, there is abundant reason shewn for concluding that increased research will lead to increased confirmation.

Among topics of this kind, the origin and spread of language appear to us to be dealt with in a very luminous and satisfactory manner; but so as to renew our regret that the flood of light collected in the present, and other similar works, since the publication of Cardinal Wiseman's "Connection of Science and Religion," should not be introduced, in a new and revised edition, into that admirable work;—an edition which we take this opportunity of most earnestly calling for.

Mr. Rawlinson's first volume contains three chapters (of 149 pages) on the Life of Herodotus, the Sources of his History, and his merits and defects as an historian; and notwithstanding the information collected by Mr. Grote and Colonel Mure, the reader will find in these chapters abundant materials for enabling him the better to appreciate the real value of the great Father of History.

The text of *Clio*, and its very numerous notes and illustrations, occupy about 200 pages; and no less than 300 pages are taken up by eleven Essays, the titles of which are, I. Chronology and History of Lydia, II. Physical and Political Geography of Asia Minor, III. Median Empire, IV. Persian Tribes, V. Religion of the Ancient Persians, VI. The Early History of Babylon, VII. Chronology and History of the Assyrian Empire, VIII. History of the Later Babylonians, IX. Geography of Mesopotamia and the Adjacent Countries, X. The Religion of the Babylonians, and XI. The Ethnic Affinities of the Nations of Western Asia. Of these, numbers IV., VI., and X., as well as countless notes, bear the initials of Sir Henry Rawlinson, and are illustrated by numerous and well-executed woodcuts, which are full of interest. If we were to select any of the Essays for special observation, where all are excellent, we should point out VI., X., and XI., as calculated to instruct those who are wholly ignorant, and to enlighten those who are most practiced as students of the topics which they embrace, and as containing excellent summaries of, and exhausting the present state of knowledge on their various subjects. * Volume II. contains the text of the second and third books, ("Euterpe" and "Thalia,") with a vast collection of notes, woodcuts, and illustrations, which are to a great extent supplied by Sir Gardiner Wilkinson. These books embrace the subjects of Egyptian and Persian history; and to "Euterpe" are annexed eight chapters, filling more than 100 pages, all of

which are supplied by Sir G. Wilkinson, and embrace the following questions—whether the Egyptians were the most ancient of mankind—whether they discovered the solar year—whether they first brought into use the names of the twelve gods which the Greeks adopted from them—when Mœris was king—their two kinds of writing, sacred and common—their gymnastics—their geometry, and its passage to Greece; and an historical notice of Egypt. To Thalia are appended four Essays and various notes. The first Essay, (on the worship of Venus Urania throughout the East,) is supplied by Sir G. Wilkinson. The other three Essays relate to the Magian Revolution in Persia, and the Pseudo Smerdis, (who was displaced by Darius,) the Persian system of Administration and Government, and the Topography of Babylon. All these Essays appear to us to be as valuable as they are interesting, and to convey comprehensive and intelligible accounts of their respective subjects. That on the Topography of Babylon contains a lucid statement of the discoveries in 1854 of Sir Henry Rawlinson in the ruins of Borsippa, (close to Babylon,) of the Temple of “The Stages of the Seven Spheres,” and these are illustrated in page 538 by a plan of the restored temple. It would appear that these seven stages rose one above the other, and each stage was coloured so as to represent one of the seven planetary spheres with their respective colours according to the Magian creed. The foundation stage was a basement formed on an exact square of 272 feet, and was 26 feet high; the first, second, and third stages being each of that height. The first was coloured black in commemoration of the planet Saturn. The second stage diminished to a square of 230 feet, and was orange, to represent the planet Jupiter. The other stages diminished as they ascended, the seventh being only 20 feet square, this and the fourth, fifth, and sixth being each 15 feet high. The third stage is bright red for Mars; the fourth gold for the Sun; the fifth pale yellow for the planet Venus; the sixth dark blue for the planet Mercury, and the seventh silver for the Moon, the stages of the sun and moon having, as it would appear, been covered respectively with gold and silver plates, and the several colours having been worked in so as to exhibit a marvellous endurance. The whole is surmounted by a square ark or tabernacle; and the temple presents the appearance of a sort of oblique pyramid, with a grand entrance. The interest of this description

is greatly enhanced by the publication of a translation of "The Standard Inscription" of King Nabuchodonosor, in which he records the fact of his restoration of this stupendous monument, which had been left unfinished and in decay by his father. It is impossible to read this record without very lively emotions; and the great conqueror of Jerusalem ends his inscription with the following prayer: "May it last through the seven ages: may the stability of my throne, and the antiquity of my empire, secure against strangers, and triumphant over many foes, continue to the end of time." Vain prayer! At p. 587 will be found a note "on the Babylonian Researches of M. Ophert," from whence we learn the existence of three livraisons of plates, which belong to the magnificent work which will shortly be published by that gentleman, on the subject of the French expedition into Mesopotamia; it may well be conjectured that these researches will throw great light upon the question of the real position of Babylon; but as no part of the letterpress has appeared, all that is known of the results is what can be inferred from the plates themselves; and we regret to collect that they appear to assign positions to some of the localities which are at variance with the evidence of the inscriptions on the bricks themselves. We look forward with no small interest for the publication of M. Ophert's work. In addition to the "Standard Inscription" of Nebuchodonosor, (note A. p. 585, vol. ii.) there is (at p. 591, note C,) a transcript of the Persian part of the "Behistan Inscription" of Darius, as deciphered by Sir H. Rawlinson, Roman letters being substituted for the original cuneiform, and a translation by that gentleman. This inscription is trilingual, Persian, Babylonian, and Scythic or Tartar. The writing is about 300 feet from the base of a precipitous rock of 1700 feet high, part of the Chain of Zagros, and on the main road from Babylon to Southern Ecbatana, the great thoroughfare between the eastern and western provinces of ancient Persia: and Sir H. Rawlinson collects from the monument itself that it was executed in the fifth year of Darius, (B.C. 516); and it possesses a strange sort of attraction for the student of authentic history. The transcript and translation occupy no less than twenty-five pages, and throw a very clear light on the early part of the reign of the great Darius.

. In putting forward so meagre an outline of the contents

of this remarkable publication, we trust that the author will give us credit for a sincere desire to make its merits widely known, even though we can do so only by an all but bare announcement of its general character and contents, reserving our criticism and general notice of it until the publication of the two concluding volumes.

VIII.—*Pictures of the Heavens*, by the author of "A Present for Young Churchmen. "My Godmother's Letter," &c. London: J. and C. Mozley, 1857.

This little work has very recently fallen under our notice, and we have derived great satisfaction from its perusal. The constellations of the northern hemisphere occupy forty-six pages, and are illustrated by nineteen diagrams, and by a very comprehensive and intelligible text in a very simple and popular form. The remainder (about 100 pages) contains an account of the solar system, and some dozen of illustrations. The work makes no pretensions, but it offers, at a very small cost, an immense mass of most useful and accurate information, with admirable diagrams and illustrations, on a subject on which no one can feel indifferent; and those who desire to know only some little of the first principles and outlines of what they cannot fail to see and admire, will be able to obtain a great deal of information and amusement by means of a very small amount of trouble and study, and that in the pleasantest form, while at the same time no one who is not a professed astronomer can fail to profit by its perusal.

IX.—*Historical Ballads, and other Verses*. London: Donovan, 1858.

We wish sincerely to recommend this little work, for the author, who is new to us, has evidently much poetic talent, and we like the direction it has taken. The subjects of the "Ballads" are all drawn from English history, and have been selected with as much boldness as good judgment. Many of them have a graphic simplicity and power which remind us of Southey, and the versification is always musical and easy, although occasionally careless. The other little poems are chiefly upon sacred subjects, and rather more unequal. We have selected one called the *Convert*, from which we will give an extract, that our readers may form their own judgment.

THE CONVERT.

A praise and glory on the earth
 Ah, holy Rome art thou!
 I gazed on thee with wond'ring awe
 When I loved thee not, as now.

Thou seemed'st some vast and shadowy form
 To wond'ring childhood's eyes;
 Where, 'neath vague fear, and mystery dim,
 A hidden horror lies.

Nearer I gazed, and glimpses came,
 As lightning flashes bright;
 Awe-struck and dazzled, shrank I back
 As from unearthly might.

My charmed eye still there was fixed—
 Was it a softening gleam,
 As when from dark and lurid cloud
 Flashes the sunbright beam?

Was it a smile, that beam so soft,
 That met my raptured gaze?
 Still milder, softer, grew the light,
 Still brighter beam'd the rays.

With timid eye, I upward glanced,
 Towards that crowned brow;
 Some queen all bright and glorious seemed,
 The form majestic, now.

And still, as longer dwelt my gaze,
 So vanished fear and dread;
 And now, with firm, but gentle, might,
 My step she onward led.

* * * *

"Oh, Queen, my heart within me faints,
 "Such glory to behold;
 I tread a dim and earthly path,
 Oh! loose thy awful hold."

But still the gentle grasp was firm,
 Once more I upward glanced;
 And softly smiled the dazzling eyes,
 Slowly the step advanced.

The golden portal open flies,
Within the hall I stand ;
That awful queen with gentle brow,
Still kept on me her hand.

* * * *

We have selected this passage chiefly because we think many of our readers will recognize the state of mind described in the verses, and admire with us the grace with which it is illustrated.

X.—*Going Abroad, or Glimpses of Art and Character, in France and Italy.* By Nona Bellairs. Skeet, London, King William Street, Charing Cross.

This volume forms no exception to that melancholy tone of mind in which our Protestant countrymen and women generally visit the continent. Whenever we meet, as in the opening chapter of this work, with the assertion that the "Catholic Church" is "truly depicted," we may be pretty sure what we have to expect,—not a young lady who goes "abroad," with high spirits and plenty of sentiment, but one who is armed with a "Mission" to reveal to her benighted countrymen the horrors and superstitions of the Church of Rome. This volume is a curious evidence of the unity of Protestantism; for there is one subject upon which all shades of opinion are agreed, i. e., abuse of the Catholic Church, some more, some less, some in one way, some in another, but all true to the same instinct. The fair authoress of "Going Abroad," is evidently a member of the (so called) Anglo-Catholic school in the Establishment. Nevertheless, some of her remarks would not disgrace the pages of the Record; so strangely is her admiration of Gregorian chanting, of "noble arches in the fading light," of "silver crosses borne to the house of the dead," of the "pretty litany of Loretto," mixed up with the usual assertions that we pay divine worship to our Blessed Lady, and get folks in and out of purgatory, pretty much at the priest's will, and as it suits the pocket. Somewhat less coarsely than the Puritans, but no less virulently the High-Church lady repeats, unflinchingly, the oft refuted calumnies against the true Church of Christ. In those less acquainted with this style of literature, it might excite some surprise, how freely, not to say flippantly, opinions are given, deductions drawn, conclusions arrived at upon a subject, which would certainly seem to demand study and attention. The faith

that was the support of our fathers for so many centuries, and which is now the heritage of such countless multitudes, has claims at least to be examined into with respect and care.

Would that ladies "going abroad," would take with them, at least a penny catechism, which would be as useful to them in its way, as the inseparable "Murray."

Miss Bellairs's Tour occupied six months;—a winter spent at Florence and Nice, a visit to Milan, Avignon, and a few other spots of interest. The society in which she moved, was chiefly American. She regrets her inability to describe Italian home life, for she says, "I wish I had been able to speak of Italian home life from my own experience; but it is difficult for the English to get into Italian society, and the generality of English society abroad is the very worst; people are countenanced and tolerated who cannot live in England, and the Italians, judging of the nation by individuals, learn to distrust you; for whatever their inward lives may be, the Italians seldom, if ever in outward display, offend you by any breach of the rules of society." With strange inconsistency then, do we find her closing her volume with earnest appeals to all whose thoughts turn towards the Catholic Church, to do first what she has done, to "go abroad," and to search into the inner life of Italian families, with the view of ascertaining the influence of the priesthood in their homes, and the hold which their faith has upon the people. She is certain that the horrors of the confessional and of infidelity among professing Catholics, will not only convince such an enquirer that the Church of Rome is not the true Church, but even make him doubt whether she is not altogether an apostate. Can such statements be worth anything to truth-loving Protestants when, by the authoress's own confession, they can but be gathered from hearsay? Would any one accept the verdict of a foreigner who should spend a season in our land, and acknowledging that he knew nothing of our social life, give his view of the surface of society as an estimate of what lay beneath? But foreigners never put our patience to such a test. It is the exclusive privilege of British subjects.

Erratum—page 103, line 9, for "born" read "born dead."

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